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THE TRIAL AND IMPRISONMENT OF GEO. W. FELTS

A Deaf Old Soldier Robbed of His Rights
The Truth in the Case

BY

MATILDA FLETCHER WISEMAN

Author of "Practical Ethics for Schools and Families,"
"Rays of Light from the Moral Heavens,"
"The Moral Chart of the Prince of Peace,"
Popular Lectures, Poems, Etc.

ROCKFORD, ILLINOIS
1907

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GEORGE W. FELTS.

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curved, looking more as though it had been scraped by the nail, as he struggled to pull away from the man who held him by the neck in the dark. We have now the testimony of twelve persons who saw Felts soon after he was taken to the jail, the most of them the second and third day after he arrived and at least four of them the day that he came, and two of them within the first hour he was there. He had not been alone since his arrest and could not have sprained and inflamed and bruised his own neck if he had had an opportunity. He had told so many, that he supposed every body knew it, but his lawyer told him not to talk to anyone about the case. I also was instructed to keep still as to the particular line of defense, and so, many who might have seen his condition, did not have their attention called to it. Six months passed away before his trial and the description of his condition and the testimony about his neck did not appear in the evidence at the trial, and on account of his extreme deafness he did not know of this neglect until after the trial when it was too late.

The second day I called to see him, I asked if there was anything I could do for him. He said, "My sprained neck hurts so bad I can't lie down, and I can't get any sleep. I have a large pillow at home and I wish you would get it for me." I had the pillow sent to him, and he found that he could get a little sleep and was more comfortable when I next saw him. I attended the preliminary trial, and found that the policy of our attorney, was, not to offer any witnesses or evidence at that time. I do not know whose policy it was not to have any of the proceedings communicated to the accused; but I know that it was the sworn duty of the State's attorney to see to it that an accused citizen has all the rights guaranteed to him by the Constitution of the State and of the United States, and the laws governing both the accused and the accuser; and if he told the truth when he asserted before the board of pardons that the attorney for the defense would not have permitted the proceedings to be communicated to the accused, that "he would not have an interloper," as he called an interpreter "between him-

self and his client," that he "could not have crowded it down his throat." it is a new and a strange idea. How does he reconcile this with his other statement that any or all of his friends were allowed at any stage of the trial to become "interlopers" and come between the attorney for the defendant and his client. That statement was so wholly untrue, that I am prepared to doubt the other. I do know that at the preliminary trial, no one approached the defendant to talk through his eartube, nor was a word written out for him to read, and all he knew about it was what he read in the papers afterward. I sat by his side through the whole session. He was very much discouraged because he had no chance to say a word, or to show his neck at the preliminary trial. He worried, because, as he truly said his neck would be well before the regular session of the trial court in October. I had already paid one hundred dollars on the attorney's fee for expenses, and had entered into a contract to pay him five hundred more, and I could not think of breaking with him, especially, as he had told me, before I had employed him, that he had "examined George and that he had a good defense." I persuaded my brother into promising that he would leave everything in the hands of his attorney, and tell A. M. Felts all about it and show him his neck when he came. We expected him every train. This comforted him a little, and he waited only to be disappointed from day to day, as he was reported very sick and never came. A. M. Felts is the oldest brother who lives in Fort Dodge, Iowa, and as he has had considerable to do in matters pertaining to the law and court practice and was the one upon whom we all depended for help in this sad calamity, it was indeed a great disappointment to all of us. I have always believed that if he had come at that stage of the case, that he would have secured the evidence in sight, and have gathered more, and that his acquaintance with people throughout the county, would have helped to bring out the truth. I was very anxious that he should arrive before I left, which I was compelled to do, as Rev. W. A. Wiseman says in his paper in this book. We

were both obliged to stay in Des Moines for months at the bedside of a son, who was dangerously ill with typhoid fever, and we could do nothing except to write letters of encouragement, to aid my deaf and helpless brother.

Suspense over the terrible illness of our youngest son, and sorrow over the sad condition of George almost killed me. It was December before I could get back to Rockford, and I found that all kind of false stories had been set afloat about him and nothing had been said in his favor by the press. I was at a loss to know how this was managed. One of our sons is the city editor of a prominent daily in the west and he has told us that it is the custom of the State's Attorney to keep them supplied with news concerning his important cases. I have been thinking, since studying the astonishing fertility of the State's attorney's imagination, that he may have been exercising that rare gift, at every stage of this case, and upon every object within his reach. This poor, deaf, old soldier came into court, with every man in the county prejudiced against him, so far as wicked rumor could do it, and not one word was communicated to him of all that was said to the jury, and not one word that they said in reply, and no opportunity was given to him to challenge one of them. When the witnesses were called, not one thing that was said by any of them was spoken through his eartube, nor written and presented to him to read that I heard or saw, and I sat within from one to four feet of him during the whole trial. He had no more part in his trial than any spectator, so far as I could see. He went on the stand to make his statement, and both attorneys spoke through the eartube questioning him, and the State's attorney, (I wish every one who reads this paper could have witnessed that scene) tried every trick and scheme to get the deaf old man to incriminate himself. He failed in his object. (That was the only time the tube was used during the trial.) The accused, however, hears so imperfectly through the tube, that he often misunderstands, as once when he was asked how long he had lived in Rockford, he said, " twenty-three or twenty-

four years," thinking that the question was how long since he had lived there. There were many of these discrepancies showing that he did not understand, but none of them of any particular value for the State's attorney's purpose. In fact not being familiar with his life, he did not perceive these mistakes, but they showed to us that the only way to communicate with him, to give him a chance to defend himself would be by writing or printing, and that is the established legal way. *The court was never stopped in his interest* and none of his friends knew that they would dare to protest against the course of the proceedings. He was in great distress of mind not to know what the witnesses were saying, but he thought as we did that he was suffering the inevitable result of deafness. Every one of his friends were so exercised over the cruel method of the trial that they could scarcely eat or sleep, but we supposed that it was according to the law of the state. In a word, we sat there during that trial, and knew that a great wrong was being done, but we did not know that the State of Illinois had no law permitting this kind of a trial in her courts. The established authorities show that a trial where the accused does not know the proceedings is no trial at all. We believe that George W. Felts is just as illegally imprisoned as though he had been kidnapped by a bandit and held for ransom in a mountain cavern. We did not know the rights of an accused citizen who is bereft of the sense of hearing, but we do know a little more now than we did then, and we are so astonished at the ignorance of some who pose as learned in the law, that we are thinking of starting a "People's Law School and Constitutional League," a sort of Grand Army of Peace, where the people can learn their rights and obligations, and how to maintain them. It is surprising what a company of people there are who are as ignorant as we are. I have, however, given the last two years to the careful study of the law of Illinois, and of the United States, especially with reference to the rights of the citizen who cannot hear, and I am prepared to teach a few other things. When you read the following appeal of George W.

Felts, you will wonder whether this is a land of "equal rights and equal protection" as the Constitution of the United States provides:

To All Good Citizens Who Believe in a Square Deal:

I am a veteran of the Civil War, a member of Co. H, 74th Ill. Volunteers. I lost my hearing in the service of my Country. Because I am deaf, three men undertook to amuse themselves with me in the dark. One of these men tried to trip me up as I passed him; another, a very strong man, grabbed me by the back of the neck, bent me down so suddenly, and with such force, that he sprained my neck, and nearly broke it. Just then another man came up to my back. It was so dark that I could not see who any of them were. I am deaf, and heard nothing. I did my best to get loose, but could not do it. Fearing it might be a serious hold-up, I tried to prick the man in the leg with my knife to warn him to let go of my neck. Just as I put my hand back he came under me with his knee, to kick me forward. He did so with such force that I was obliged to run about ten feet before I could stop. Then I went on, not knowing that any one was hurt but myself.

I was charged with cutting this man. He bled to death from a wound that the doctor said was a direct stab, an inch and a third wide. This was his statement under oath on the witness stand, as the record shows. The fact that I did not feel my knife touch the man, and that it was an old pocketknife, that would not have made a stab more than half an inch wide, makes me think that some one else did the deed while he was on me in the dark. If my knife did the deed, it was an accident, caused by the change of his position, when he came under me with his knee, to kick me from him. I acted in self-defense, and I did not know who it was, so that there could have been no malice and no motive, so far as I am concerned.

The man proved to be Spencer Post, a particular friend of mine, with whom I had never had any trouble. The two men who were associated with him in amusing themselves by frightening a deaf old man in the dark, perjured themselves on the witness stand to convict me; not that they had anything against me, but for fear they would be implicated. I believe, however, from information that I have

received, that the venomous falsehoods in the State's Attorney's closing speech was the direct cause of the jury's action in condemning me.

I was left in jail suffering from a bruised and sprained neck, while the two men who had joined in the assault on me were allowed to be present at the coroner's inquest and swear falsely against me. If I could have been there, as I had a legal right to be, and had shown the condition of my neck, and had made my statement, I think the people would have believed me, for I have had the reputation of speaking the truth from my childhood.

Although I am a deaf man, as the court record shows, no sympathy was shown for my infirmity, and no allowance made for my lack of understanding because of this defect; but, on the contrary, my deafness was used as a pretext for withholding from me all the rights of an accused person.

None of the proceedings were communicated to me during the progress of my trial, until the verdict was brought in. I never knew that the evidence about the condition of my neck, that would have corroborated my statement, was left out, until after the trial was over.

I now know that a deaf person has as good a right as any one else to be informed of the details of his trial as the case progresses. I also know, by sad experience, that it is an awful thing to be tried for one's life, and see accusers come and go, and not be able to hear one word, and to have no chance to meet the witnesses in a way that makes it possible to refute them.

I appeal from my prison cell (to which I am condemned for life for defending myself in the darkness against three men) to every citizen, from the humblest voter to the President of the United States, to protest against the inhumanity, and the injustice, of trying an accused person without letting him know the proceedings as his trial progresses.

I was unable to have my case reviewed by the Supreme Court of the State, because I could not pay the $700.00 required for the Record of my trial within the ninety days allowed for taking out the bill of exceptions.

Hon. W. E. Mason of Chicago has generously contributed his services, and will take my case before the Board of Pardons.

Remember that I am old and deaf, and that I never willingly harmed any one. GEORGE W. FELTS.

We have abundant evidence that this statement of his case from the beginning is true; but had he been a confirmed criminal of the deepest depravity, he had a right to know the proceedings of the Court as the trial progressed. No deaf man, and no foreigner, who is ignorant of the English language, can have a legal trial in the United States, unless the details of the proceedings be interpreted to the accused while the trial is in progress.

We have often been asked, "Why did you permit such an outrage?" I repeat we did not know the rights of the accused under the statutes of Illinois, and knew nothing of the court practice. Mr. Wiseman has been a preacher of the Gospel, ever since he left the university, and like many other men has been too busy to help administer the laws, if he had a chance. He knew enough about justice, but very little about court practice, and what little I know about it I had forgotten, so it was of no use except to bring a dim remembrance of different methods in the ancient time of which I had read. My first husband, Mr. Fletcher, lost his health in the war for the Union. He had been my teacher in my childhood. After the war he completed his law studies in Chicago, and was a member of the bar in Rockford, Illinois for one year. Because of his frail and failing health I helped him, and read law, in a way, myself but I was chiefly interested in the history and philosophy of the law. Such reading always had a charm for me. But strange as it may seem I had never been in a court room when a trial was in progress in my life. I knew absolutely nothing of court practice, when I was summoned by telegraph to come to the assistance of this old deaf soldier brother, who had been intercepted in the darkness by three men, and was arrested, charged with cutting one of them, who afterward bled to death from an artery that had been severed in the lower part of his body. As he tells you he is so deaf that he cannot hear, and as there was no moon, and no lights in the streets or windows, he was not only in the dark, but necessarily in total ignorance, as to the identity of the three men who, as he told

the marshal immediately after the affair, "would not let him pass the corner."

It is plain that he could not have known who it was in that moonless, midnight hour, with not a light in the streets, or the windows, and they under the shadow of the awning. A person with good eyes could not have recognized anyone. Neither could he have known that Post would have remained nearly an hour after the lights were out hiding under an awning, and if he had happened to think of Post at all he would naturally suppose that he was at home, probably, in bed. The men who were under the awning said that they, "could see out better than he could see in, and that there was no moon and no light." They were each a little more than forty years of age, while he was past sixty and his eyes defective.

Twelve persons who saw Felts soon after he was taken to the jail, knew of the injured condition of his neck, and believe that he is an innocent and greatly-wronged man. No one can be found who believes that the deaf old soldier intended to kill anyone or that he could know who anyone of the three men were in the dark, but the State's attorney must make them believe it. He must have that twenty dollars for convicting the man, to say nothing about his great need of doing something while he held the office, which could not hold him, he being compelled to be "persecuting" attorney, star witness, and board of pardons combined, at intervals, to say nothing, of inspiring the press with the belief, that the higher courts sustained him in taking a deaf man through his trial and not communicating the proceedings to him.

Many people who saw this statement as reported from him in the papers believe it now, *while the truth is that every one of the judges stood with us, and hold that all the proceedings should be communicated to the deaf when on trial,* and while they refused the writ of habeas corpus they simply notified us that our remedy is a writ of error, but they in no sense approved of the injustice shown to this deaf old man.

The great occasion of his life had come. Here was a man who could not hear a word that he said. He was old and sick and deaf, his wife had taken all his property, and he was too old to earn any more, and it would be easy to get up a conspiracy and get his pension away from him, if he was put into prison. Did ever State's Attorney have such a fine opportunity before? No sane man living can believe that a decrepit old man, suffering from rheumatism, and heart disease, and too deaf to converse without the aid of an eartube, would deliberately seek out the strongest man in the county," and stick a small pocket knife into the lower part of his body. But the State's Attorney must make them believe it. The record shows that there was no moon, and no lights in the streets or in the windows, and that the old man could not see much better than he could hear, and no sane person can believe that he could know who anyone of several men was, who, if seen at all, would seem to good eyes, only like shadows in the darkness. Yet the State's Attorney must make them believe it. The deaf, old soldier's story was straightforward and reasonable, and those who heard him tell it in Rockford on the witness stand believed it by the scores and hundreds, and they told us so when we went to them with our petition, and that they would have signed for his pardon the day after his conviction if we had gone to them with our petition. But the State's Attorney told the jury in his closing speech, with great vim, and fury, and gesticulation, that there was "*not a word of truth in the old man's statement*," and that the attorney for the defense "*had made it up and taught it to the defendant.*" They naturally did not think it possible, that a state officer would speak falsely upon such a solemn occasion, when the life of a human being was at stake. One of the noblest men in the state, who has had great experience at the bar, and is retired told me that he knew nothing more destructive to the moral nature, and the humane sympathies, than for a man to be a State's attorney when he regarded success rather than justice. I can readily see that some natures should be shielded from undue

temptation, and certainly this State's attorney should be protected against himself.

The truth is that the defense of George W. Felts, as it appears in the record, and his statement of the whole affair, will be known for the first time to the people when they read this book. Last February he asked me to publish his version of the affair and see that the people understood it. I waited however until we had exhausted every effort in trying to get a new trial. I had his appeal, including his statement, printed last summer but sent out only a few copies, as I hoped to get him released and take him to our home in Des Moines, and get out of the contention. Owing to the persecution of this suffering prisoner by the State's attorney, in his effort to prevent the truth from being known we have been so delayed, that we have been compelled to abandon our home, and take up our residence in Rockford, which however is a pleasing prospect for many reasons. We have thousands of friends in this lovely city, and many relatives in this vicinity, and I personally knew the pioneer families of the whole county when I was young and care free. It will not surprise those who know me, that though in tears and sorrow, I gave up my beloved brother to the service of his country in his youth, that I feel doubly responsible for him, when I know how dreadfully he has been handicapped in the struggle for life, on account of his infirmity of deafness, brought upon him by that service, and that I can do no less than to lay on the altar of sacrifice, reputation, and means, and time, and whatever happens to me I shall vindicate him and help to fight his battles against injustice and inhumanity. If he was not related to me at all, and I knew the case just as I do know it, and knew his infirmity as I do know it, I am fully convinced that I could not conscientiously relax my efforts in his behalf. I think too much of my country to be willing to let any citizen be robbed of his rights under the constitution and the laws.

The State's attorney, after repeating many false rumors before the board of pardons, asserted that the old soldier's

" pension is not going to his family." The truth is he has no family dependent upon him. He has two children both past twenty-one and one of them long since married. His wife after telling me that she believed that " he told the truth about that fatal night when he was arrested," and that " he thought more of Post than of anyone, and would not have hurt him if he had known who he was," then said she was, " not going to have anything to do with the trial." She went on to say that she, " had nothing against him but that they had been separated for about ten years.". Her grievance was that, " He would not go and live in the soldier's home and turn his pension over to her. If he had done so this would never have happened to him." She also said, that " He never refused any of them anything " and that " He always was a fool about that." I said you know that he earned and gave all this property to you expecting it would be your mutual home. " I know he did," she said, " but the title is in my name and the lawyers won't get it." I found she had openly repudiated him and that she freely said so. In fact it is generally known that she cast him off when this calamity came upon him, and she told me as coolly as though she were talking of a hired man that he had been boarding with her.

I found that he had been paying his board in his own house out of his pension, and in addition to that had also brought in all the supplies he could, and suffering with rheumatism as he was, in his hands and limbs, and at times seriously with heart disease, he undertook to trim the branches of trees, offered to him by the men who were clearing off a body of timber. He worked in this condition through the summer heat, when he would often have to lie down on the ground and rest on account of the sudden giving out of his heart. He went to the woods day after day when he could hardly walk, generously getting fuel for the home where he was no longer welcome. He was deaf and old and did not want to go among strangers. Men who sympathized with him in his hard toil, offered to make a bee, and draw the wood

to the house for him. There would be ten loads of it and they were offering to draw it free some Sunday as they had no other time. He hesitated to have it done on Sunday, but seeing that they meant it as a charitable service, he consented to have them do it, and thought they would want to complete arrangements Saturday night, but looked in vain for them, as they were too tired to go to town and thought some other time would do. He was searching for these men, as was proven by many witnesses, but the State's attorney ridiculed this honest struggle, of this almost helpless, deaf, old soldier to furnish supplies to his home, and insulted the good Samaritans who were in earnest in their desire to help him, and slandered them all by the pretence that it was to be a beer drinking bee. There is many an honest truthful man who sometimes takes a drink of beer, men who would not consent to fraternize with a man who by falsehood and slander seeks the life of a fellow-man merely for his own aggrandizement. A man, who before the board of pardons, hopes to make legal a wholly unjust trial by vile slander, introducing subjects no way pertaining to the case. Think of this false and inhuman State's Attorney telling the board of pardons that the wife of Felts "earned his property." He knows more about it than the wife does herself. It is true she cast her husband off, and during the trial, not only did not help him by so much as sending him one word of sympathy, nor to the present hour has seen him nor written one word to him in all the two years and a half since he was arrested, but with the assistance of the State's attorney, she has also tried to get his pension diverted to her and yet, in her affidavit to the pension department she makes oath as to the property that "*when he got it paid for he deeded it to me.*" She also swears, "I do not know why he did it." We all know why he did it, because of his generous heart that never allowed him to "refuse one of them anything." It never occurred to him that there would come a time when she would take advantage of his generosity. It was his boast that he turned over his money to his wife. It

was also her frequent assertion. If those men who exult so indecently over the suffering of the old deaf soldier had either of them a wife who took all his property, that represented, not only the pension granted for honorable service, in which he almost lost his life, and did lose his hearing, and years of the hardest kind of work, and then, after getting his property, demanded, in his old age, that in future the pension should be turned over to her, and he proceed to a charitable institution to stay the rest of his life, because he could no longer work incessantly at the hardest kind of toil, would he have been as lenient as George Felts was, and still stay, and pay his board in his own house, and toil at cutting wood to supply the home, where he was no longer welcome? Brethren there is a just God who can overrule the wrath of men, and who has also reserved to himself the issues of vengeance. "Vengeance is mine saith the Lord, I will repay." For that reason I would not seek to be the instrument of vengeance. In the olden time the wise and the good looked upon the deaf and the blind, as under the especial care of God, and those who harmed them were believed to suffer avenging judgment from God. This however will not appeal to those who ignore both God and righteousness in their dealings with their fellow-men.

This is the first time in my life that I have known people to combine against a deaf or a blind man, and that this is exceptional will appeal to all right-minded persons.

George W. Felts could have had a pension long before he received it, for the loss of the hearing of one ear, even though the other was almost entirely normal for a long time after he regained his health, but he never would apply until the good ear as he called it had almost failed, and then I persuaded him to do it, on account of his little family, and his poor health and desperate struggle to get along. I gave him money to pay pension fees myself, and while he was struggling to get along without it helped him at times financially. At one time I gave him two hundred dollars so he could straighten up all his debts, after he had lost everything in a hotel venture,

which he undertook with the idea of pleasing his wife, who having been raised in a boarding house, seemed not to be contented away from such surroundings. His wife told me I am the only one on either side who ever gave them any assistance. I did not help them very much, because he was too proud-spirited to receive it, and he always called it a debt, and so did she, and said they would pay me sometime. She paid me by keeping all of his property and letting the whole sorrowful burden of the trial come upon me, and because she had cast him off, and I thought it would injure him and disgrace his family to have her mercenary and heartless treatment of him become known, I did not dare to avail myself as I could have done of his lack of means, and so secure an attorney to defend him, free of charge from the state. I therefore became responsible for his attorney's fee, which amounted to $615.00, and which, I am glad to state in this book, he has returned to me from his pension as he felt in duty bound to do, as he had selected the lawyer he wanted, and so felt that he ought to pay him. He has constantly urged me not to waste money trying to get him out. He has often said "I have not long to live, and you are impoverishing yourselves." With many such sayings, he has tried to bear his dreadful martydom and shield us. I cheer him up the best I can and tell him truly, that life is not worth much to us while he is in prison. We have kept on more than two years doing what we can, and we shall keep on. We have sacrificed financially a considerable sum and all our time, which we do not regret, and the friends of the old soldiers and many of the comrades helped to take the *Habeas Corpus* proceedings before the courts. While they were generously helping, and thousands of the best men and women of the state were looking anxiously for his release from prison, his wife, and her immediate advisers, with the help of the testimony of the State's attorney, undertook, to get his pension away from him, and the copies of the perjured statements of some of these persons, which the pension department sent to him, make fine reading, and in themselves prove a conspiracy, that reveals the whole situation,

and in fact might take them to prison for conspiring to get money from the government by false representations. The unfortunate thing for these persons is, that their affidavits contradict each other and in other ways incriminate them.

The State's attorney, told the board of pardons, that he had " represented Felts as his lawyer previous to this trial once or twice." In my reading of the law, during the past two years, I saw the statement, that a State's Attorney who has represented a person as his lawyer, is in duty bound to step aside, if such person is on trial, and appoint some lawyer in his place, who has not been thus associated with him. Is this the law? If not, it should be. Both the State's attorney and his partner joined in the prosecution of George W. Felts, and both of them have represented to the board of pardons, that as lawyers, they have been in confidential relations with him as client and attorney. Shall a professional man who claims knowledge of another man gained in the line of his profession, when said other has sought him for advice or assistance, be permitted to prove a traitor to his rights in that relation?

Many times during all the years the wife praised her husband to me, and often she told how no other woman of her acquaintance had such a generous, faithful, hard-working, uncomplaining husband as she had, and then when he lost his health she changed, and sought advice in Rockford in regard to getting rid of her husband who was no longer able to work hard. The following is the advice she reported to have been given to her, " You have all his property in your name, and now that he is broken down, you can compel him to go to the soldier's home and let the government take care of him, and turn his pension over to you. Then you would be well provided for." " Her advisers " put an idea into her head that they have kept working until she looked upon the possibility as so desirable that she welcomed the State prison for him rather than to give up the hope of achieving so great a result.

George W. Felts raised a family of three children, clothing and feeding them, and educating them. The two daughters

were kept in school till they were nearly twenty, and that means a large expense for all the school supplies demanded of men in these days. He paid many doctor bills. He built a ten-room house and furnished it; and paid hired girls and other help; worked often in his blacksmith shop till near midnight; asked nothing for himself, and often, after I knew he had become a slave to his family, I came long distances to see him only to hear, "I don't know how you will get to see George unless you go out to the shop, he works till eleven or twelve o'clock most nights." It was well known that he was neglected, and that anything was good enough for him. Is it any wonder that he broke down? that his poor heart would fail him? that his muscles were so worn out that the rheumatic condition became worse and that he was helpless?

Those who do not know it, should know that Spencer Post sympathized with him in all this trouble, that he is the last one that Felts would have thought would have assaulted him in the night and that he would rather have died than hurt him. He knows that Post did what he did in fun, and if he could have known who it was, there would have been no struggle to get away, and no fear of being hurt causing him to use his knife. The inhumanity of those who are persecuting him shall be fully known and all their falsehoods exposed; but I will not waste the pages of this book upon them.

No outlaw who has been before the courts of this country has ever been so persecuted as this deaf old soldier has by a State's attorney. A man who has worked hard all his life, and whose greatest fault has been that he fostered a selfish and mercenary spirit in his family by too great generosity, is wrongfully accused of a crime, and forthwith he becomes "unindustrious" according to the manufactured testimony paraded before the Board of Pardons where no one asked, or cared to know, whether he was or not. Men who had drank up their farms thought Felts should be punished for putting his money into a home, instead of treating them to drinks whenever they put in an appearance. Quite a number of others hate a soldier

anyway, especially if he gets a pension, because " it was his own fault that he went to the war, and the government paid him thirteen dollars a month." Some of these never earned an honest dollar in their lives. They are fit tools for the man who controls them. To their everlasting shame be it said that a few men perjured themselves to help the State's attorney keep Felts in prison. They know nothing about the merits of the case, and know so little of the laws of the country in which they live, that they think that a mob spirit will appeal to the enlightened Christian gentlemen who as governor and board of pardons of the great State of Illinois, are bound by the constitution and the laws of the State and the nation to consider the case of the prisoner upon its merits, without regard to the opinions or the prejudices of the State's attorney's henchmen. The time will come when these people will perceive, that we are fighting their battles at the same time we are almost perishing in our struggles to secure " equal rights," and " equal protection " from those who administer the law for this deaf old soldier, who as the people know was taken through his trial without having any of the proceedings communicated to him while the trial was in progress. Such a trial is the beginning of the terrible tyranny, once so generally practiced on all men, who were not strong enough to compel justice, and the cropping out of such attempts, ought to call forth the protest of all lovers of our country, and that too, without considering whether the accused is guilty or innocent, while in this case the evidence we submit is conclusive, that the accused had no thought of committing a crime and acted as any other man would who believed himself to be the victim of a hold-up. An innocent man must be maligned and persecuted by the very officer whose duty should have led him to find out the truth and acknowledge it before the preliminary trial. This " persecuting "attorney, and his fellow slanderers, against the frame of a man, who is every way their superior in moral character and humane sympathies, never knew what hard toil was compared to what George W. Felts has endured. Think of this

infirm old man cutting ten cords of wood in the hot weather. Yet the jury is told that Felts "is an idle man." Who is Felts anyway? Nobody but a broken down old blacksmith. He is at least an average man, industrious, truthful, honest and generous. He is a patriotic, typical American of the old colonial and Revolutionary stock. He is of the same lineage as the mother of Washington, through his mother; also, General Daniel Morgan of the Virginia rifles was one of his ancestors. Alas, he was a blacksmith too. Another ancestor was General William Campbell known to history as the hero of King's mountain. Then another was William Ball, ensign of the Sixth Virginia, from the time he was fifteen, till the close of the war. These were among his mother's ancestors.

On his father's side were Major Anthony Sharpe, Colonel John Collier, Colonel John Oliver and his son Elijah Oliver, North Carolina soldiers in the Revolution, and Sergeant Isham Felts, of the Virginia Rifles. All these and some of their sons did valiant service in the great war for independence, that made this Republic possible, and gave us that wonderful charter of liberty and righteous government, the Constitution of the United States, that Supreme Law of the Land, which Gladstone declared, "Is the greatest piece of work that ever sprang from the brain of man."

We also can furnish proof that every branch of the ancestors of George W. Felts were active in the organization of the prominent religious societies from the early days of the country.

His immediate ancestors were Elijah Felts and Elsie Ball. They were both raised in religious families, and were religious themselves, and family worship was as much a part of their daily life as food or sleep during his boyhood. He was taught to believe in religion, education, patriotism, and every good principle. His father and mother heartily encouraged and helped in the building of the first schools and churches, and helped to organize the first Washingtonian Temperance societies in Illinois. Their home became the resting-place of

teachers, preachers, and missionaries, whatever denomination they might be representing, without money and without price. Many meetings were held in the big room of the pioneer dwelling. Thus the very best society was brought to him and he felt that in his small way, he was taking part in every good enterprise. His father was a Whig in politics. He was among those who helped to organize the Republican party, and he raised all of his children in that political faith. The New York Tribune was his political text book and it was kept on file and all were kept informed on current news, and public questions.

George is the sixth child of a family of fourteen children. Eleven are still living. He has also about fifty families of cousins, second cousins and other relatives in and around Rockford, the most of them in Winnebago county, and they are among the best citizens. Not one of them has ever been arrested to my knowledge. They believe he tells the truth about his experience on that fatal night, and many of them offer him a home with them when he shall be freed. They all know that he has been deaf for many years. They also know that he is naturally a man of the kindest heart. His father used to say, "He is his mother's boy." He was like her in appearance and in disposition. He was patient, kind, tender-hearted, forbearing and brave. I often knew him to accept punishment for the mischief done by others rather than to tell. Once when I begged him to tell on the other boys, as I happened to know he was not the one to blame, he said, "I can stand it. I'd just as soon take a licking as to hear the other fellows a crying." I remember him as a sturdy, rosy, black-eyed boy, who never complained that he had the hardest task, which was often the case, in the multitude of duties about the farm. There was always enough to do and he was stout and willing. His father and mother were not only pioneers in building a home in Winnebago county, and in helping to establish schools and churches, but I believe they were the first to plant an orchard. It began to bear when he was a small boy, and the glory of the blossoms in the spring, and his wonder and de-

light as the fruit matured and he was permitted to help to gather it, are vividly remembered. There are hundreds of instances that we all can tell of his unselfishness, and his generosity, during his youth and manhood. He was very bright and manly but his education was neglected more or less, after he was twelve years of age, because there was so much to do at home. He was so practical and helpful that he was always needed. A blacksmith was employed to start a little shop on the farm, and when George was thirteen years old he began to learn his trade, by working nights and Saturdays. He was kept out of school for a long time to help clear off a large body of timber and because of this work had the promise of his father to be sent to college when he was eighteen years old. Before that time the war began and from the first he thought that he ought to go. He tried to enlist several times but his father interfered and kept him from going till he was eighteen years of age. He was eighteen the seventh of July, 1862, and enlisted the first opportunity afterward, August ninth. Older men have gone to the defense of their country for various reasons, but most of the boys of his age, went because they were patriotic, and considered it noble to fight and to die for their country. I know from many things that George said that he was an unselfish true-hearted patriot. To be tall enough and old enough, to be accepted as a volunteer in the service of his country, in its hour of peril, seemed to him a glorious opportunity. No one so young as he ought to have gone, and this nation sacrificed many of its school boys, while strong men stayed at home who should have gone. I saw the 74th regiment of Illinois volunteers at Rockford as it marched to the train that bore it toward the scene of conflict and many remarked that the majority seemed mere boys. They were glorious boys however, and to them belongs the high honor of redeeming the republic, and enabling our martyred Lincoln to wipe out the crime of slavery. Not that I would detract from the patriotism and the courage of the older men

in the ranks, but they have been the first to say, "Without the boys we could not have put down the Rebellion."

The unparalleled persecution of George W. Felts by the State's attorney will necessarily occupy a large part of our attention, not that we wish to speak of it for it is a most disagreeable duty. Why he should have gone out of his way to detract from the honorable soldier record of George W. Felts is a mystery. Why he should have told any of the many untrue things he has is surprising to those who have not studied his methods in other cases. He began by asking every prospective juror, whether he had any relatives in the civil war. What had that to do with a jurors fitness or unfitness? Then when he came before the jury with the astonishing stream of falsehood which he poured forth in his closing speech, he belittled that soldier record, declaring that he was not a good soldier and by sneering insinuations tried to make the jury believe that he was a fraudulent wretch and scoundrel from his boyhood. The deaf old soldier did not hear one word that he said as he sought to compel the jury to believe that he should have no sympathy shown to him because of his being deaf. He paid little or no attention to the evidence, and imagined that the only way to renown was by bold and furious falsehood. Clearly he saw that it would trouble the people to see him hand a veteran of the Civil war, over to the gallows for possibly wielding an old pocket knife in defending himself against three men in the midnight darkness, unless he could make them believe that said soldier had no record. The statutes of Illinois specify the duties of the State's attorney and provide, not only that he shall secure the rights of the accused, but that he shall not go outside of the evidence, and slander and abuse a citizen when he is on trial. Being a young man, possibly he does not know that the State's attorney is just as much under obligation to protect the accused in his rights as he is to protect the state. He is to secure justice. That is the object of his office. For this he is paid. Justice to the accused. Justice to the state. The accused is to be considered innocent

until he is proven guilty. It is evident to all who have studied the case that the State's attorney intended to convict the accused, for his own glory, whether he is innocent or not, and having accomplished his object he began to fear that the fact, that he was a deaf old soldier, and that the people knew that nothing was communicated to him during the trial that their sympathies might be aroused, and they might ask that he be pardoned and released. I am convinced of this from the fact that the State's attorney further distinguished himself by the remarkable history he wrote when the defendant was sent down to the prison. The law requires that a history of each prisoner be sent down to the warden. This great historian wrote a history of the old soldier consisting of about ten sentences, every one of them a slander. Here is a specimen. "He enlisted in the army when he was nineteen. He never saw active service, but claimed to get sick, and got in the hospital, where he stayed most of the time till he was discharged six months later." He repeated that same slander before the Board of Pardons, which was once too often. As I before mentioned George enlisted when he was eighteen, and as he and his comrades will testify he never saw anything but active service. That he did not want to go to the hospital, but was peremptorily ordered to go by the surgeon who perceived, that, what George thought was a hard cold which he caught while on duty in the cold rain at Nashville, was the measles. When he recovered from the measles, he was almost entirely deaf, and was only just able to stand when a lot of the wounded were brought in and he was put in charge of part of them, and, in his enfeebled condition, took care of them night and day, until he caught from some of them what was called the malignant erysipelas and went so low with it that his father was notified by the surgeon in charge that he was dying, and the family physician was sent down to bring him home, if possible, dead or alive. He told the doctor that he would soon be well enough to go to his regiment and the surgeon said that he would get him a pass to go to the front. When the pass came

it was a discharge. The doctor told us that George insisted that he ought to fill out the three years for which he enlisted. Then they told him he was too deaf to be of service, and so he finished his soldier life against his will, and stayed after his discharge taking care of the wounded until a cousin could go with him. He left home a rosy stalwart boy. He was absent about seven months, and came home a veritable living skeleton. He had grown in spite of all his sickness and hardship, and was six feet tall, and so emaciated that his face wrinkled all over like a very old person's when he tried to smile, and his large black eyes glared like the eyes of an insane person. I do not believe one of us would have recognized him, had we met him among strangers. He remembers arriving home at night and some things that happened just afterward, but the next morning he was delirious and for nearly two months he seemed oblivious to everything. He was very close to death. His bones along the spine and hips came through the skin, making painful bed sores. This sickness was typhoid fever, in its very worst form. Sister Susan and I helped to care for him, and I remember that the chief remedy which we administered, under the direction of the doctor was brandy, a spoonful at intervals, and sometimes a little milk. One day, when we had lost all hope of his recovery, he suddenly seemed to recognize me, and while his face wrinkled frightfully, with an effort to smile, he said, "I told the boys you would come. When did you get here?" I said to humor his idea, "I have been here some time." Then he said, "I can't hear you, the wagons roar so on the pavement, I can't hear anything, and the noise hurts my head. Now that you are here, I wish you would get them to stop." I spoke louder and still he could not hear, Poor fellow, the roaring was in his head, and he was almost entirely deaf. As he slowly recovered his health, the hearing of one ear partially returned. He was so weak for a long time that he had to support himself upon crutches. I think that the first time he was away from home was the fourth of July, when one of his comrades, Charles Manchester, who was at home on

sick leave, came to our house and took him in a carriage to the celebration. It was several years before his strength fully returned. From that time to this he has had rheumatism, more or less, and in later years has suffered severely with it being also part of the time practically helpless and for a while his fingers were so stiff that he could not shut them, nor use his hands. The years 1863 and 1864 were almost an entire loss to him, because of his long sickness and slow recovery. As soon as he was able to walk steadily he tried to enlist again, and later, both in 1864 and in 1865, he determined to go back, as his good ear, as he called it was almost restored, but he found that they would not accept him on account of his deafness. He not only has never boasted of his soldier record, but always felt humiliated, because he was disabled so early in the conflict. Yet that he was a good soldier, faithful and brave is fully established by the testimony of his comrades, who know the truth and have promptly defended him against the vile slanders of a man who was not born when George W. Felts shared in the glory of the brave 74th as it helped to chase Bragg out of Kentucky and Tennessee, thus foiling the desperate attempt of the confederates to change the battlefield to the State of Ohio. In that long campaign which was made up of forced marching, skirmishing and battle, the 74th honored itself and the country, at the cost of the loss of nearly half of its men, before Nashville was reached. Almost four hundred were dead or disabled and George was not one of them. It was after that while on duty in the cold rain in Nashville that he succumbed.

Did the 74th have no record until the battle of Stone River. That I believe was the next important incident in its experience. When I think of all the brave boys who perished in that regiment before Nashville was reached and the many like George who were broken down before he was left to almost die, we reverence and will defend them. Once when I spoke to him, of the hope I had that God might restore his hearing if he would trust him for it. He

said, I had as well be dead, as to be deaf, then he wept like a child, and said, " I would be willing to stay here in prison all the rest of my life if I could only hear."

Think of the terrible wrong that has been wrought on this old patriot who was dragged through his trial in this land of " Equal rights and Equal protection " without having any of the proceedings of his trial communicated to him, and then to know as I know, that he lost the hearing of one ear in conflict with the nations foes, and the other when on duty in the service of his country, in the cold rain, and then, that a State's attorney in this grand old loyal county of which we have always been so proud should be permitted to slander him so cruelly because he was accused of a crime, and to continue that persecution, when he knows that nearly six thousand of his fellow-citizens in the county have asked for his release from the prison, and when he knows, that many of these attended the trial and saw that no attempt was made to communicate the proceedings of the trial to him, and to think that he could refuse him a new trial after his comrades and their friends had donated the money to buy the record for him, to think that a man " dressed in a little brief authority " should so presume to arrogate to himself the privilege of breaking the laws of the land and setting aside the constitution at will, and like the ostrich hide his head in the sand (of his own imaginations) and persuade himself that no one will either discover him, or his tricks. To think of all this and to remember that this person represents the great state of Illinois of glorious fame in honor and patriotism seems a dream of chaos a crime of anarchy.

I have waited long for one sign of humanity, or gleam of justice, or hope of relenting from this ruthless man who shames the honest, just and truthful members of the bar, and dishonors the party that happened to nominate him for office. With each opportunity for showing that he is a vindictive persecutor, who has no more respect for law, than he has for his own word, he proves himself to care only to insult and traduce

those to whom the constitution gives the right of petition, possibly, he never has read, that the right of the people to petition shall not be abridged." " I will abridge it,"says he, and proceeds to do it, pretending from month to month that he cannot get time to attend a hearing, hoping and believing no doubt, that the old man will die in prison so that his triumph will be complete. Meanwhile the old soldier came near passing out with a hemorrhage of the lungs. At last, after nearly six months the State's attorney is ready, and he comes forward with a batch of fabrications, even worse and more unreasonable than his former efforts, and no doubt believes that such bold and ingenious falsehoods are far better than the truth.

We will let the old soldier tell one little chapter of his record in the war written to me at my request two years ago. He had no idea that I would ever publish it nor had I such a thought. There will be more published in due time. "He *had no record as a soldier* " says the State's attorney, who can talk as he pleases to a *deaf man*. The following letter written at my request, while it contains reminiscences of George W. Felts, in regard to his seven months absence from home in 1862 and three (1862-3,) as a volunteer, in Co. H. 74th Regiment of Illinois Infantry, is only a slight summing up, of the suffering and hardship, which in common with his comrades, he endured during that time and which he described to me, in his letters, which were written about once a week on the average during the time he was in the service.

Rockford, Ill., February, 14, 1905.

My Dear Sister:—

I, George W. Felts, enlisted August 9, 1862, and was discharged February 17, 1863, but stayed in the hospital after I was discharged, first because I was too sick to start, and later taking care of others, waiting to take my cousin, Jesse Felts with me. I reached home toward the last of March, having been absent a little over seven months.

My regiment the 74th Illinois, was organized at Camp Fuller, Rockford, Ill., in August, 1862, and was mustered into service, September 4th of that year. Companies A. B. C.

D. E. F. & H. were from Winnebago county; G. from Oregon, Ogle county, and Company I. from Stephenson county. Jason Marsh, of Rockford, was our Colonel, and James B. Kerr, of Roscoe, was our Lieutenant Colonel, and Edward F. Dutcher, of Oregon, was our Major. I was in Company H. and our Captain was Thomas Bryan, who was one of the big boys, in our district school, at the old Crane school-house, when I was one of the little boys.

I think he was about twenty-six years old, and he was a fine looking fellow, and good to us, and had learned how to drill soldiers, I think with Colonel Ellsworth. We were in Camp Fuller, in Rockford one month and drilled hard, it seemed to me. I was only a boy, eighteen years of age, and weighed only ninety-five pounds, yet I was well and hearty. My first mishap was getting a bayonet thrust into my wrist, and I came near losing my hand, but it did not keep me from drilling, nor from practicing shooting at a target, that they said was one mile away. The target was a board six feet long, and one foot wide. We could cut it all to pieces in short order. I thought it was a great thing to go home on a furlough, for a few days. Some of the boys got sick and went home, and never came back. We lived high, though we thought it hard living, but it was good to what we got in the South. Our sutler was taught a lesson, because he charged us twice as much, as we would have had to pay, for the same thing in town. We tore down his shanty, and sent him out of camp. When we received orders to break camp for the South, many people came from all over the country, to see us off, and when we marched to the train, it seemed to some of them, as they said, "that there were miles of soldiers." With the speeches, the music, the marching to the train, it was an exciting time, especially to those of us who were boys. There were so many weeping when they told us good-bye, that some of us came near breaking down, and I think none of us had dry eyes. We were happy though, in the thought that they were proud of us, and loved us, and that if we fell, they would honor us for dying for our country. We went by the Chicago & Northwestern Railroad to Chicago, and made a halt there long enough to get a cup of coffee, then boarded the train for Louisville. We stopped on this side of the Ohio river. We went into Camp for the first time, late in the evening. We had not much more than got rolled up in our blankets, when the bugle sounded, "Fall in." We went across the river on a pontoon bridge,

and camped in a lumber-yard until daylight. There is where we met the 44th Illinois. The boys that went, before we enlisted, Mike Fulmer, L. Parsons, Sam Vinton, and James Sherman, were some of those I was acquainted with. They were surprised to see me down there, and the first thing I heard, was Mike Fulmer saying, " There is that little George Felts." There is where we started with our knapsacks. Mine weighed about as much as I did, besides my gun and forty rounds of cartridges, canteen, and three days rations. That morning we started on the march, and marched all day long till night, and I was so tired I couldn't eat any supper. We stacked arms and laid down on the ground, and used our knapsacks for pillows. The next morning the clothes in the knapsacks were gone. The old soldiers helped themselves while we slept. They needed them more than we did, and we did not blame them. They left my dress-suit because it was so small some one said. The next morning I was sore and lame, but we had to get to the front, going on march all day, again. The marching was hard on new recruits. When night came we stacked our arms, and rolled in our blankets, and that was the last we would know until morning. At daylight we would make our coffee, eat our hardtack and bacon, the same thing every day. We were put on forced march, until we caught up with Bragg. We occasionally got near enough to skirmish with him. Once we found some of his cavalry, and shelled them. We formed in line of battle, and marched through the timber on the run for more than a mile, came out in an open field, threw the rail fence down, every other corner, and the Fifth Wisconsin Battery shelled Bragg's cavalry. The cavalry was coming on the walk from the East. Then they turned South for half a mile. When they commenced to shell them, the battery threw two guns on those going South, and three guns on those going West. They turned backward, and the grape shot had killed so many men in the lane, that they had to throw the fence down, and go through the field, to get back toward the East. We laid so close to the cannon, that the concussion would lift our hats and make us deaf. It hurt my ears so I could hardly hear the commands. I thought my time had come. While we were lying down some of the frightened horses came toward us, andone of them jumped over me. The enemy was so close, we could see the buttons on their coats. We thought that they ought to let us fire on them. We believed that we could

clean them out good. I can remember many of the things that happened, better than the names of the places visited. It seems to me that we must have marched all over Kentucky, sometimes twenty-six miles a day, in dust and heat the first weeks, in rain and mud for more weeks and later in sleet and snow. We were at it all the time. We thought the marching was hard, but when we could get no water fit to drink, and kept on in the hot sun, with the dust so thick we could hardly breathe, it made the best of us wilt. I remember, on one occasion, Ed. Sherman and myself, took six canteens apiece, and went in search of water about two miles, where a negro had told us there was a spring. As we got close to it, we saw the first fresh meat, we had seen for a long time. Ed Sherman said if I would get the water he would wait for me. So I filled the canteens, and when I had got back he had gone, and on the ground where I left him, was the front half of the sheep, and he and the hind half were gone. Often I was out on picket in the night. One very dark night they put me out on picket in an old field, where the weeds were higher than my head. It was so dark I could not see three feet before me. The Confederates were not half a mile from us, and we had orders to fire if we heard anything. Somebody fired at a mule that had strayed away. He thought it was the enemy. The ball came close to me, and if the mule had not brayed, we would all have been in the fight. The next day or two we marched till midnight. We seemed to go in all directions, till the Battle of Perryville. That night we guarded prisoners. The next night we slept on the battle-field. It rained so hard, that it splashed mud all over me, but my head. That laid on a corn hill. On the march one day we came across a river, some six rods wide. We built a bridge across it of fence rails for the Battery to cross to the other side. Sometimes when we crossed corn fields with our Battery the cornstalks were so large that the horses could not tramp them down, and so we took axes and chopped them down. Once I remember the mountains were so steep that we had to draw the guns up with ropes. It took nearly all of our army to get them up. We got to Danville in the night. Then we got orders to march to Crab Orchard. We stopped on the branch of a dry river, close to a pond of water. They gave us orders not to go near the pond, but we had had no water all day to drink, so the boys drove the guards away, and we filled our canteens, and they were half full of mud. It took us two days to get back to Danville. My feet

were blistered, and so raw, that the blood came out of the holes I had to cut in my boots, so I could wear them at all. I would have reported on the sick list, but I thought we would have a battle, and we all wanted a hand in it. When we reached Danville we went into camp till morning. Then we had orders to march again. My feet were so raw and sore that Captain Bryan would not let me go. I stayed in the woods that day, and it rained and snowed in the afternoon and in the night. The next night the snow and mud were six inches deep. That is where I left my tracks of blood in the snow when I walked. It was too bad for us to stay in the woods, so the Commander ordered us in town after dark. We found some open houses that we could sleep in, so we rolled our blankets around us and laid on the floor. My cousin, Amos Felts and I slept together. In the night John Henry Campbell came in. He had no blanket and was sick, so we let him sleep between us. The next morning he was broken out with the measles. Neither of us had ever had the measles and we caught them of him. We had no chance to take care of ourselves, but we went right on. The next morning our regiment came back, and we started on the march through the mud, which as the snow had melted, was from four to six inches deep. I never will forget that day's march. The mud ran into the holes in my boots, and made my feet smart terribly. I had my boots made to order, and supposed they were the best to march in, but soon found out that the army shoes were better. We had hard marching until we got to Edgefield, opposite Nashville. Then we drilled nearly all the time. Once while there it rained three days and most of that time we stayed in camp. I was on guard day and night. I suppose I was coming down with the measles. I couldn't sleep so I would take the other boys places. Then Amos and I, with others, were detailed to work on the breastworks at Nashville. A cold rain came on but we had to keep right on working. The morning they broke camp they sent me to the hospital with Amos. As I stepped up to bid him good-bye, the doctor looked at me and said, "You can go too." I told him there was nothing the matter with me but a hard cold. He said "Wait till morning and see." Sure enough, in the morning I was broken out with the measles in good shape. Amos was very sick. I stayed by him over a week, night and day without sleep. He wouldn't let anybody but me, and one Sister of Charity, do anything for him. As soon as he died I was taken

to my bunk. There were a good many days passed away that I didn't know anything. When I came to myself I could not hear what anyone said to me. One of my ears was deafened either by a shell that burst over my head or by the noise of the cannon at the same time, and now the measles had deafened the other one. Before I got well of the measles I was taken with malignant erysipelas in my feet and legs. I was desperately sick with that disease, and if it had not been for the Sisters of Charity taking such good care of me, I have always believed I would have died. As soon as I got on my feet they set me to helping nurse the sick and wounded. I had thirty-two men under my charge. I found one of them was Jesse Felts. He was one of my cousins from the South, who stood by the Union, and with his brother Washington Felts, escaped through the mountains and enlisted in the First East Tennessee Union Volunteers. Colonel Rhea had charge of that regiment. They had to hide out to get to the Union army and did good service. Washington Felts died in the battle of Stone River from exhaustion. He was hemmed in on all sides, by men whom he fought till he died. There was not a scratch or wound found on him, and his comrades said he had believed the bullets would not harm him, because his name was Washington. He was only eighteen years of age when he died. Jesse was a large man. He said he weighed two hundred pounds when he entered the service. He was six feet, two inches tall. As soon as I heard his name, I thought he must be a relative. I knew my father had an uncle by the name of Jesse. I found that he was a grandson, of the old North Carolina uncle Jesse, that father had often told about. He was "mighty" glad to see me, and was low with coughing, and was wasted to a skeleton. I had lost my cousin Amos Felts, and I had found another, but he seemed nearly gone. He could have been discharged but he could not get through the Confederate lines, to his own people. So we would talk of getting him North to my father's and he was very anxious to go. I had partially recovered the hearing of one ear before I found Jesse. They had to talk pretty loud to make me understand but they needed all the help they could get and I did the best I could. While I was nurse I had a hard time. I had to be up night and day the most of the time. If I laid down some of the poor fellows would need me and I would be sent for. I had as high as twenty die in one night when the wounded first came in. My father gave Dr. Patterson two hundred

dollars and sent him down after me. When he came he asked me if I wanted to go home, I told him I wanted a pass to go to the front. He said he would help me. He took me down stairs to see the Doctor, and when he asked me what I wanted, I said I want a pass to go to the front, he said, " all right, I'll fix it for you." But when it came it was a discharge. It was dated February 17th. 1863. I waited a while longer to get Jesse's discharge and helped in the hospital, up to the day that I left. When we started North I took the blankets and made a bed for Jesse on the floor of the car. Dr. Patterson stayed at the hospital and sent us home alone. When we got into Kentucky, Bragg's cavalry had captured a train of mules, and burnt them on the main track, mules and all except the engine, and they sent that out to meet us. Before it reached us, it jumped off the rails, and went down into the ravine more than fifty feet. The steam was flying in every direction. Our train undertook to get the burnt cars off the track. It would back up and put on steam and run up and strike it, and when it struck it, it would throw us off our seats, and Jesse would slide on the floor under the seats. They had a lot of prisoners along and when we got to the Ohio river, we had to stand on the platform for more than two hours, to get a bus to take us across. Those who were able to walk, had to get out and help push the bus up the hill. I was so sick I do not remember much of the trip. I do remember that when we got to Chicago, we got into a bus and it seemed to me we drove about the city nearly all night, and they almost jolted what little life we had out of us. We were so weak and sick that we stayed quite a number of days in Chicago. Instead of the bus man taking us to a hotel, he took us to a saloon where they had a spare bed, but that was better than the bus. We were so sick that we couldn't write and the folks had looked so many days for us that they had given us up and were getting ready to send someone to try to find us, and were not at the station when we got to Durand. I was bound to get down home that evening, and it was four miles away. We tried to ride horseback but couldn't, and so we went to Professor Johnson's at the seminary. Mrs. Johnson made us a cup of tea, and that revived us a little. Then a man took us in a wagon. I expected to sit up in the seat, and have Jesse lie in the bottom of the box, but I had to lie down there with him, and it seemed as though we would never get home. When we did finally reach our destination, I asked the man what he charged, and he said two

dollars apiece. Think of that when we soldiers only had thirteen dollars a month. Of course the folks were overjoyed to see us when we got home. They got supper for us right away. They said we could have anything we wanted. I asked for buttermilk, and Jesse asked for sour kraut, and we were so sick, and so like living skeletons, that they did not dare to give them to us. We could hardly stand it to be refused, but they said if we were all right in the morning, we should have some. That is the last thing I remember for weeks, I was delirious in the morning, from typhoid fever, and it was more than a month before I knew anything and my bones came through the skin on my hips and back, and after about two months, when I fully knew I was at home, I asked for Jesse. They kept telling me that he was asleep, or, that he was better, and it was a long time before they dared to tell me that he was dead. Poor fellow, he had so wanted to live in the North. He died only five days after we got home. I could hardly believe it for a long time.

This was to be the first of a series of letters concerning his army experiences and other incidents of his life. This is the only one he has had an opportunity to write for one of the rules of the Illinois penitentiary is that he can only have one day in five weeks in which he can have a pencil and paper. That is, once in five weeks he can write a letter. Fortunately his record in the service does not depend on what he knows or what I know. There are still several hundred people living who remember that he was absent in the Civil war for more than six months and the discharge shows that it was issued the 17th. of February. The service that he gave in the hospital after his discharge was just as much service to his country as loading and firing a gun, or any other required service, and if six months service in the Civil War gives a soldier no record at all, what becomes of Ellsworth who went to his death in tearing down the first confederate flag that he saw? What becomes of the tens of thousands of our noble volunteers many of whom were killed in the first skirmish or battle they experienced? What becomes of the many thousands who died from exposure or disease or neglect in the

first year of their service? What becomes of the whole Spanish-American army from President Roosevelt down, or up, as the time will come when the private soldier who serves as he does for a mere pittance, and bears most of the suffering and privation, will be honored and beloved by the people as he should be. The time is also coming when a public officer will find out that he is the servant and agent of the people who elect him for a certain line of duties and give him no more liberty to break a law or set aside the constitution, than it accords to the humblest citizen. On the contrary, that he is bound by oath to sustain the laws even against his own private wishes or interests, if need be.

I could incorporate in this defense of the soldier record of George W. Felts, hundreds of letters and affidavits from his comrades and from citizens who know that the State's attorney has slandered him, but I shall only give place to a few, as I do not believe that I need them. Oscar Franklin who was intimately associated with this deaf old soldier in the service, and whose record is known to all, as that of a patriotic effective soldier who went through to the end, and who was a great sufferer for many years afterward from wounds received in the service, is known throughout the county as a man of integrity. He attended the trial, and made the following affidavit at the time we were trying to get a writ of Habeas Corpus.

State of Illinois, }
Winnebago County, } ss.

I, Oscar Franklin, of the city of Rockford, County of Winnebago, State of Illinois, first being duly sworn, testify that I was present, during many of the sessions of the Circuit Court, of the said County and State, held at the Court House in the city of Rockford, in the January term A. D. 1905, while the said George W. Felts was being tried. I testify that I knew George W. Felts to be a deaf man, who can only hear imperfectly, through his eartube, when the person speaking is close to him, speaking directly into the mouth-piece of the tube. I sat where I could see him at any time and close to him part of the time, and I testify that no one conveyed to him the testi-

mony, nor any of the particulars of the trial, in my presence. I also testify under oath, that I was with him, in the war for the Union, in Company H. of the 74th. Regiment of Illinois Volunteers, and that I know that he was a faithful soldier, through the hard campaign, under General Buell, through Kentucky and Tennessee, in conflict with Bragg's forces. The terrible exposure, and long marches, according to Comrade Holland's History of the 74th. regiment, disabled over three hundred of the regiment, before we reached Nashville. While in camp at Edgefield, George W. Felts was detailed, to work on the breast works at Nashville, and as there was a cold rain falling at the time, he took cold when he was coming down with the measles, and was sent to the hospital, with his cousin Amos Felts, who was also sick with the measles, and who died in a few days, after reaching the hospital. I also testify, that George W. Felts was a faithful soldier from the time he enlisted till he was taken to the hospital, before the battle of Stone River. He was with his Company at the Battle of Perryville, and wherever the Company was ordered, and always ready for picket duty, or anything required of him. It was not his fault that he was broken down in his youth, and robbed of his health, before he had been out a year in the service. It is not his fault that he is a deaf man, nor was it impossible to convey to him the details of his trial, as he can read both writing and printing.

Oscar Franklin.

Subscribed and sworn to before me this 16th day of September, 1905.

Lewis F. Lake,

(SEAL) Clerk of Circuit Court.

Colonel Bryan was the Captain of Company H in which Felts served. He is a man of high honor and integrity, and a descendant of one of the worthiest of the pioneer families, and has known George from his boyhood. The following is the copy of his letter sent to the Board of Pardons.

I write to you in behalf of George W. Felts, whose loyal service, in the war for the preservation of the Union, I am credibly informed, was attacked and discredited by the State's attorney when the said George W. Felts, was on trial for his life. I desire to refute that slander upon as brave and true a

soldier, as the service knew, in those times that tried men's souls. I was the Captain of Company H in which he enlisted as a volunteer, and from the date of his enlistment, I can vouch for his courage, his endurance, and his fidelity. I finally became the Colonel of his Regiment, the 74th. Illinois, and was with it till the close of the war, and believe with others, who know the history of the 74th. as Comrade Holland mentions, as Historian of the Regiment, that the campaign throughout Kentucky and Tennessee, was the most severe in the loss of men, of any we experienced. Nearly four hundred had fallen out, before we reached Nashville, from death and sickness, because of long marches, over dusty, limestone pikes in hot weather, and later through rain, sleet and snow. George W. Felts was with us when we reached Nashville, and had borne his part well in the march, and was on duty in the cold rain, when he came down with the measles, and was taken to the hospital, where I often visited him in his sickness. It is well known, as his comrades and friends have no doubt informed you, that this sickness entirely unfitted him for service, resulting as it did finally, in the loss of his hearing. I sincerely hope you will see your way clear, to rebuke those, who dared to take an American citizen through his trial, without communicating the proceedings to him, by restoring this faithful old soldier to freedom, for his few remaining years.

Very respectfully,

T. J. Bryan.

Late Colonel of the 74th. Illinois Volunteers.

Charles T. Manchester, who enjoys the respect and confidence, of a large circle of acquaintances, both in Illinois and Iowa, sent a letter to the Board of Pardons, of which the following is a copy.

I am a citizen of Dunlap, Iowa, and formerly a resident of this county (Winnebago), and a veteran of Company H 74th. Illinois Volunteers. While visiting here (Rockford, Ill.) I learned that the State's attorney in open court attacked the soldier record of George W. Felts, discrediting his loyal service; also that he sent a libelous statement to the Warden of the penitentiary, in the place of the true history of my old comrade, as the law required him to give. George W. Felts is the descendant of a long line of patriots, who helped to establish this Republic, and from the days of the Revolution to

the present his people have been among the best in the nation, in education and usefulness, and loyalty and religion, being always at the front, ready to bear their full share of life's burdens. The only thing that hindered George W. Felts from equaling the best of them, was the loss of his hearing in the service of his country. I personally know his record as a soldier. He was in my Company and always did his duty from the day of his enlistment, till he was completely broken down, and taken to the hospital, where with measles and erysipelas, he was close to death. Before the end of the first year, deaf and helpless as he was, he was honorably discharged and taken home, where for months he was very low with typhoid fever. In the long terrible campaign, when the 74th. marched all over Kentucky and Tennessee, helping to keep Bragg's forces out of Ohio, George W. Felts accompanied us every step of the way. In march and skirmish and battle he was a good soldier, and I am glad to brand as a slanderer, unfit for public service, any man who attempts to rob him, or any other soldier, of his just reward, the honor that is due to him, from every citizen.

Charles T. Manchester.

Lieutenant Holland, the Historian of the Regiment, so well and favorably known throughout the county and State, speake of this deaf old veteran in the following words:

George W. Felts, on whose behalf a petition for pardon is about to be filed, was a soldier in Company H. 74th. Regiment, Illinois Volunteers in the Civil war, of which Regiment I was also a member. I take pleasure in signing this petition, and will add, that during my acquaintance with Comrade Felts, in the service, I always found him faithful and efficient, in the discharge of the duties imposed upon him; and I am sure that I voice the views of his surviving comrades, of the regiment, in saying, that I would resent as an unfounded, and almost personal reflection, any imputation upon the courage, and fidelity, with which he served his country as a volunteer soldier.

Yours respectfully,

Hosmer P. Holland.

Late First Lieutenant Co. C. Ill. Volunteers.

W. H. Randall, a true patriot and a good man, from a pioneer family, is another comrade who knows the truth, and

gladly joins in the defense of this helpless and much slandered old soldier.

I have known George W. Felts ever since we were boys together. We went into the army at the same time, and were in the same company. He was a faithful soldier, always ready for duty, and never complained of his lot, however hard it might be. I have seen him march when his feet were raw and bleeding, but he never thought of falling out. In spite of his great suffering he kept on. He was obedient, courageous and patriotic, and in fact everything, that goes to make up a good soldier, until he was completely broken in health, and was honorably discharged on account of his disability.

Any one who detracts from his soldier record, either intentionally misrepresents the facts, or else he does not know what he is talking about.

Since the war I have known him as a peaceable, law-abiding citizen, doing the best he could to take care of himself and his family, and that too, under great difficulty, on account of his deafness, and rheumatism, and heart trouble, all of which resulted from his army service.

Very respectfully,

W. H. Randall.

(Late of Co. H. 74th. Ill. Volunteers.)

We received a letter from Comrade W. S. Young of Kingston, Illinois, in which the following statement appears. "I was at the skirmish and noted the course and shriek of the shell, that bursting made George deaf." The account that George wrote to me shortly after it happened was, in his boy language about as follows. "I guess one of my ears is busted. A shell was what did it they say." I don't know whether it was that or the noise of the guns. I do know that one ear has been deaf ever since. He was examined by a number of surgeons at different times and about twenty years ago his pension was granted for "total deafness in one ear and severe deafness in the other." The State's attorney, however, knows more about it than we do, his imagination being such a vast storehouse of information.

Comrade Young, who was a member of the same Com-

pany and Regiment with Felts, the 74th. Illinois Volunteers, and has been well acquainted with him ever since, is the old soldier who tried to get Judge Kohlsaat, of the United States Circuit Court, to issue a Writ of Habeas Corpus, in time for him to intercept his old comrade on his way to the penitentiary, because, he, a deaf man, had been taken through his trial without having any of the proceedings communicated to him. Mr. Young has been a preacher, teacher, and editor since the war, and a student of the Constitution of the United Sates and of constitutional law, and his learning is not the kind that destroys patriotism, but intensifies it. He is honestly of the opinion that those who violate the Constitution are "traitors and scoundrels," and he makes the dreadful mistake of telling them so, in a variety of terms, so fierce and original, that, to shield themselves, they hint that he is "a little off." It would never occur to some of these featherweights, that he is so far "off" from them both mentally and morally, that they are incapable of understanding him. It is a terrible awakening for an old patriotic Union soldier, to discover that the courts where government is applied are perverted from righteous uses to become as he says, a "robber's fence," and a "device for kidnapping," because he knows, as many people do not, the awful price that was paid for establishing and redeeming this Government "of the people, by the people, and for the people," and then to see an old comrade who lost his hearing, in the service of his country, refused the rights that are granted to the most worthless citizen, would jar the brain of this State's attorney, if he, or his brother had been so wronged.

George W. Felts has a record that is safely guarded in the annals of the great republic for which he offered his life, and it is proof against the attacks of his foes. His name will be known and reverenced when they will be forgotten, or if they are remembered it will be only as the slanderers who ignoring law, and justice and humanity, entered into a conspiracy to rob him of his property, his liberty, his life, his rep-

utation, and his pension, either for their own profit or their own aggrandizement. That he told the truth about the sad affair for which he is suffering imprisonment, is believed by all who have examined the facts in the case. It will be believed by every fair-minded person who will carefully read this book. It cannot be well for anyone to believe a lie. They who persuaded the friends of the deceased, to believe that he was murdered, when he was cut by a person who did not know who it was, and who acted in self-defense, have done them a great wrong. The fact that the defendant hears so imperfectly through the eartube that he answers sometimes entirely foreign to the question should have made it imperative that he be allowed the privilege of giving his statement as to his experience, and then have the crossquestioning, proceed by writing, according to the established practice of the courts. That he did not know many of the questions is apparent by his answers. At the time his motion for a new trial was overruled, he was asked if he understood and he said, " Yes," when he thought is was an entirely different question. He did not know that he was not to have a new trial, until he had been in prison for sometime. He was sentenced by the Sheriff through the eartube, and tried to tell me afterward what the sheriff said and he knew next to nothing of it. The old patriot had been done to death, or worse than death by a trial, unjust from start to finish, and the tragedy ended, with the State's attorney laughing, until he almost fell off his chair, because he had outwitted the attorney for the defense. No thought of law or justice was in his mind, no regard for established court practice of centuries of recognized authority, no care that he had cheated this old, deaf veteran out of a legal trial, he had beaten a lawyer so far his superior, that he was lost in self-glorification, and as I looked at him, as R. K. Welsh the attorney for the defense, told the judge of the *" great wrong that was being done"* and that he *" believed that the State's attorney's false statement, that he had made up the story of*

the defendant, and taught it to him, was the cause of the verdict.". The conviction came to me, that it was better to be the defendant, who knew himself innocent of any intention to kill than to be this State's attorney, who admitted right there this daring falsehood and plead as an excuse, that once, the attorney for the defense had played him a similar trick, which said attorney promptly denied. I have always believed, that this particular falsehood did more to deceive the jury than any of the other statements in the closing speech, so full of untrue things, and many others believe it. It is so difficult to think that a man would so far forget the responsibility of his solemn oath, that he would bring a falsehood into his speech, when it might result in the taking a way the life of an innocent man, that the jury would feel almost compelled to believe him.

Let no one suppose that I have considered myself blameless in the imprisonment of my innocent brother. I cannot imagine how I consented to let the weeks go by and see this great wrong done. I was, however, all ready to start out among the people to tell the story of it and begin at once securing a petition for a pardon for him because the evidence about his neck had not been brought in. I was starting to the train going to one of the villages in the county where the people were to help me hold a public meeting when I was interrupted by the arrival of W. S. Young one of the Comrades of the 74th. Illinois Volunteers, who promptly announced that George Felts had never been in court; that no deaf man could be tried in the United States who did not know the proceedings; that every word should have been written for him, as the trial progressed, and that he should proceed to take him out on a Writ of Habeas Corpus. What's that? a new style? I was not quite so ignorant as the woman, who thought a diplomat was a new style of floor covering, but I was very much afraid that I should be hindered in my own undertaking, and I couldn't see why he was the only one who knew anything. He

made the attempt in Chicago before Judge Kohlsaat and was informed that the State's attorney must be notified of the hearing.

A date was fixed, and the State's attorney appeared, and Comrade Young presented his petition, and the judge decided it was not in proper form, and called it an "ingenious address on Constitutional law." In the meantime, I had seen several lawyers who said our contention was correct, and several others who said that our remedy was a writ of error. Mr. Wiseman was holding a meeting in Indiana and I notified him of the action of Comrade Young. When he arrived he employed an attorney, W. G. Anderson, who was thought to be learned in that branch of the profession. In fact, he had taken that great writ of right, which was won from the despotism of the world, for the express purpose of releasing people from imprisonment when their fundamental rights were violated in their trial or without a trial and used it for getting men released upon mere technicalities who may have known the whole proceedings. The fact that he had successfully done this, however, made the judges of every degree look with distrust upon his honest efforts to help secure the right of this deaf old man to his freedom. Judge Kohlsaat fixed a date for the hearing and the State's attorney made our attorney believe that he could not be present and they fixed a date themselves without consulting the judge. The consequence was, that the judge rebuked them for changing the date, and per-emptorily refused the hearing, but fixed another date. We therefore never had a hearing before Judge Kohlsaat, and he never knew the merits of the case, but, so far as he did know, expressed great sympathy. Before the time fixed for the hearing, he fell sick, and turned the case over to Judge Sanborn, and was absent from the city when we had the hearing, which was very brief. Judge Sanborn, simply said that, although he had jurisdiction as a United States Judge, that he would not exercise it until we had taken it to the State Courts. He told us that the

state, and the United States Courts, had in some states got into contention, when the state courts resented what they thought was interference with their business. He also was the first one who informed us that if a person was taken out by the United States Court that the case could be appealed, but if taken out by a state Court, that the case was ended. Judge Sanborn also said, while we still talked with him at the close of the hearing, that it was all wrong. "That if he had been trying the defendant, that he would have had all of the proceedings communicated to him, if it had taken all summer." Then began the search for a judge who would give us a hearing. The great strike came on and the Courts were over-crowded with business, and our attorney was not free to look for a judge outside on account of the pressure of his own business. After weary weeks of waiting we came before Judge Honore, and the Attorney General sent in a brief, setting forth that a writ of error was what we needed. The judge decided that if our contention was correct that the judgment was void. He then said the thing to do is to expunge it from the record and go up on a writ of error. During all this time I had given every leisure hour to reading law in the great law library in Chicago. The more I read the more firmly I was convinced that my poor deaf soldier brother had been robbed of every right guaranteed to him by the law of Illinois, the Constitution of Illinois, and the Constitution of the United States. I went to several judges and showed them my cause and was met by the strange remark that they had made an agreement between themselves that if one of their number turned down a case that the others would not take it up. This did not harmonize with my reading. I had studied the oath that the judges must take in order to go on the bench, and I could see in this agreement, a chance for great wrong and certain defeat of justice. Of course I was discouraged, my home had been shut up, as though I was dead, for months, and now that I was fully convinced that we had a right to a writ of Habeas Corpus, I could

get no judge to offer anything but sympathy and the assurance that a writ of error was the better way. I had already found out that the record and fee would be at least $700.00 and that the attorney for the defense after collecting $615.00 for the defense in the trial court, said, that to prepare the case for the Supreme Court, would cost for his fee, $500.00, and that it ought to be more. And this would be $1200.00, to go up on a writ of error, and that would be only a beginning. The Constitution of the State of Illinois provides, in Section XIX, that:

"Every person ought to find a certain remedy, in the law, for all injuries and wrongs he may receive, in his person, property, or reputation. He ought to obtain by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay." By what hocus pocus have Court rules and practice gone so far from the letter of the Constitution of the state, that the citizen has to buy a chance to even ask for a new trial? Think of $700.00 for the transcript of evidence, and then of the $500.00 to a lawyer, to ask for your case to be reviewed, by the Supreme Court, with the hope that it will grant you a new trial. It the new trial should be granted to you, then you must pay another big fee to an attorney, and alas, you are still bound to have the same state's attorney, for even though his falsehoods put you into prison, he is permitted to keep you there by the same means. I have been told that a change of venue still leaves you in the hands of the vindictive persecutor. The law of the state says that the accused shall have five years in which to go up to the Supreme Court. But that humane provision has been modified, for the convenience of the Courts, by permitting the judge to limit the time to a certain number of days, in which the Bill of Exceptions must be signed and the time is fixed at the caprice of the judge, rather than to fit the needs of the man who must some way provide for the expense of the effort.

According to the strict letter of the law the Bill of Exceptions are to be written out and signed day after day while the Court is in session, as the exceptions are taken. That is the law and it has never been repealed. At the present time they are piled up in stenographers notes and the poor litigant is compelled to pay an exorbitant sum to have them put into good English. As no stenographer is supposed to read clearly another's notes, what would happen if the one who took them down should die. I say that every word of the Court procedure should be put into good English day by day as the trial progresses and if the stenographer is a necessity to the rapid taking of the same, the type writer should follow him as translator, and it should be preserved for the consideration of the jury, when they retire to consider the case, instead of leaving them to imperfect and confused memories of a vast mass of material filtered through the pernicious imagination of a State's attorney, who is capable of measuring a man's freedom or his life by a paltry fee, or, by the value of his own cheap fame. An attorney who goes outside of the evidence would lose his power over a jury who had a correct transcript of the evidence before them to refresh their memory, and no jury in these days of type-writing should be deprived of a correct copy of the evidence while they deliberate upon the question of arriving at a just conclusion. The rich people should have this help from the courts they sustain by their taxes, and the man of average means so that in trying to secure his just rights, he shall not be bankrupted, and the poor from humanity and necessity. While Comrade Young was trying to secure a writ of Habeas Corpus from Judge Kohlsaat, with the intention of intercepting his old army comrade on the way to prison, the time for keeping him at the jail had nearly expired, and I went to Joliet and saw the Warden and told him all about the case, and awaited the appearance of the sheriff with his prisoner. At noon the day they arrived I took dinner with the sheriff, in the private dining room of the prison. He said

many things in favor of my brother, and told me that he had so much confidence in him that if it had been legal to do so, he would have bought a ticket and sent him to Joliet alone. He didn't hand cuff him but treated him as a companion on the way. He told me with tears in his eyes that he was never so sorry for anyone in his life. He believed him to be a good man and that he was telling the truth. He said that he read and heard so much against him when he first came to the jail that he kept away from him and that in their conversation in the train on the way down, George reminded him of this and said, "If you had come and examined my neck when I first came to the jail, you would have known that I told the truth." The sheriff said that he should always regret that he had not done so. Mr. Wiseman and I called on him in August 1906, as we were looking up those who had seen George soon after he was put in the jail. In the conversation he said that he did not pay any attention to him for the first week or two after he was brought to jail except to see that his food was sent in, as he did not want to put himself in a position where he might be called on the witness stand, having learned a lesson along that line soon after he became sheriff. He said it is the business of the sheriff to take care of the prisoner and not to be a witness in the Court. The sheriff was so kindly disposed toward my brother that I am very sorry that he did not examine his neck when he first came to jail, for I am sure that when he saw the deaf old soldier being taken through his trial without having any of the proceedings communicated to him he would have gladly testified to the evidence, that he had acted in self-defense in the sad affair.

I was permitted to see George about 3 P. M.. the day he arrived at the prison. They brought him into the usher's office. He was as pale as when he was brought home, so emaciated from the army. He looked also more as he did then for they had shaved off his mustache. There were tears in his eyes, but no look of guilt or shame on his face. As he so often

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said 'he ' had not intended to harm anyone, and the whole thing had been shoved onto him, and he would try to bear it like a man and put his trust in the Lord." He said the literal truth, when he said, " there never was anything bad about me except I drank a little." We have to admit this to our sorrow, but we know that no one who had known him all these years could say they ever saw him lying around drunk, and that he had accumulated a good property, and been more generous to family and friends than most people are, and we also know that he was not drinking the night of the trouble, according to reputable citizens.

It is a singular fact that most of those who have been active in trying to tramp him under foot are men given to drink, or encouraging the use of it by their influence, for profit. Others are like the man who said his horse was 16ft. high. When they proved to him that the horse was only 16 hands high, he asserted himself, and declared, " what I say first, I'll say last, I said my horse was 16 feet high and it is 16feet high." Having thought it would be the popular thing to slander and abuse this deaf old soldier, they now think, by a great effort they still can get a few persons to believe a wholly unreasonable thing, against the most conclusive evidence.

Kind hearted people will be pleased to know that the prison garb is a neat gray suit, and that they have also abolished the lock step, and the prisoners march two abreast like soldiers. The most of them are wholesome, nice looking men. There are many quite young men, and except for a sad look on most faces one would suppose that they were a company of students. So they are, students in one of the hard schools of human experience. But no harder than the one my poor old brother was in, during the whole period of his married life. Many men are veritable pack-horses and beasts of burden for their families and when they are not appreciated, and never have a day of recreation or a particle of genuine sympathy, I am never surprised when they are broken in spirit, and my

only wonder is, in viewing life from that standpoint, that more men do not go wrong, and that more do not commit suicide. I hope no one who reads these pages, will ever experience the sorrow that filled my heart. I looked upon my poor deaf brother in prison, and remembered that we had sat like imbeciles, and seen him dragged through his trial for nearly two weeks, and knew that nothing had been communicated to him, and now I know that he had been cheated out of the very rights that would be accorded to a man who could hear, and worse than all that, I had foolishly kept silent as to the condition of his neck, which if the jury had known, it would no doubt have resulted in his acquittal. That is the thing that I cannot forgive in myself; but I had no opportunity to tell it, yet that does not seem an excuse now. If the reader has never been a witness in a court he will not know how helpless he would be. It is almost impossible to tell the truth as you see it, and know it, as the questions are asked on purpose, part of the time, to conceal the truth. I will leave that however for another time and another book. I was asked a lot of questions in no way pertaining to the case. Then when I began to tell in answer to the questions of the State's attorney the truth, in regard to the case, he was determined that I should not do so. He then demanded that I give the names of people whom I had described by the term, "many people." I did not wish to do this because I knew those people did not want to be dragged into the case, and the point would be amply proven by the witnesses to be presented. The judge sustained him however.

I started in, intending to mention all I could remember and they would have been at least forty, but I was stopped about the first name, or while I was trying to say the second. This left the first man mentioned to feel as though he had to bear what the whole forty had said and he happened to be a man who, as I was told the next day, "went up in to the air" what ever that means, and his personal friends went up in

the air with him, and so to punish me they wish to keep the deaf old soldier in prison whether he had a legal trial or not, or whether he is guilty or not. Some men had said to me that they would like to testify against the truthfulness of witness Hodges, but were afraid he would "burn them out." Another had said that he would not like to do it solely because he would put himself, or his family, or his property, in jeopardy, and not being allowed to go on and explain exactly what each one said according to my understanding of the matter, the man who used the word "jeopardy" vows he did not use the word "burn" and so I am blamed when I have been a friend all my life to these persons. I did not know that the persons who signed the paper would be brought to court as witnesses, but supposed the paper, attested by us, would be used, and I was glad to do it, to prevent dragging them down twenty miles or more in the coldest part of the winter. That they were subpoenaed was a more painful surprise to me than it was to them. They ought to take into consideration the limitations of a witness, and have some sympathy for me in my lack of experience with the type of being that the State's attorney represents. The wicked slanderers of this deaf old soldier have caught at every chance to belittle and degrade him, and started one rumor after another to if possible turn every one against him, and at last their unreasonable falsehoods have reacted and made friends for him of many who were at first indifferent to his fate.

Some time after the war closed when his good ear as he called it was about restored he became a commercial traveler for several years. During this time he was staying in Dixon, Illinois over Sunday, and went to see a public baptizing ceremony in the river. A large number of people were standing on the bridge when a span of it fell into the river, carrying with it several hundred people. Though he could not swim, he immediately plunged into the water, together with others who could swim, and he waded in to his chin and took out all he could reach, and others, that those who could swim, brought

within his reach. Sometimes having two of them in his hands at once. He never mentioned this to me in his life. I heard it from others and when I asked him about it, he said, "that is nothing, anybody would or should have done it. I helped to save from twenty to thirty."

Just as his army service has been belittled by the State's attorney so the same coterie of busy-bodies began to worry about this heroic deed at Dixon and claimed he was trying to exploit it to gain favor with the people when the poor fellow did not know that anyone remembered it, and did not know that it was going around in the press. I did not know that it was floating about and found out after a time that some of his old army comrades had been telling about it and were properly angry to have him censured for something that he had been in ignorance of, and that he would not have thought of bringing out in his present humiliating situation.

He has suffered, in silence for years, neglect, and insult, and loss, and toil, to find that his good deeds all his long life are ignored or belittled by men and women who are of so inhuman a type of character that they enjoy seeing others crushed. There are not many people so low as that, and even the company of convicts is safer and better than such society. Most people when appearing so cruel, are deceived. It is only a few who will refuse their sympathy when they know the truth.

"How can a poor man go up on a writ of error" we have often said, and now we have found out that both rich and poor are notified that the Writ of Habeas Corpus has been degraded from its high place, in the temple of Justice, and instead of being used when a fundamental right is withheld, has been perverted, until it has become a sort of a spy glass to hunt for a mere verbal error in a sentence, or a phrase, making a loop hole for the escape of those, who may have had a fair trial and who may have known all the proceedings, and who have had every chance to defend themselves.

Consider the case we are describing to you. It was the sworn duty of the State's attorney to see that the rights of the accused were secured at every stage of the proceedings from the time he was arrested. Yet this deaf old soldier was not permitted to appear at the Coroner's inquest and confront his accusers, nor was one word communicated to him during the preliminary trial, of all that his accusers said, nor did this State's attorney deign to notice the defendant in the trial Court by so much as arranging that the proceedings of the trial should be communicated to him from the time the jury was being selected, until the verdict was brought in. Nor was one word of the judges instructions, communicated to the defendant, while men have been taken out on Habeas Corpus, because even a few words were said to the jury that the defendant did not hear. He has several times sought to place upon the attorney for the defendant the responsibility for his inhuman and unjust action. Whoever else may share in this iniquitous performance the State's attorney is the sworn officer of the state whose duty it is to see that the rights of the accused citizens are preserved.

Did this outrage happen in Russia? where constitutions are a dream of the future, and the rights of the accused citizen a matter of caprice? O no. This happened under the stars and stripes, in the great state of Illinois, in opposition to the Constitution of the United States, in opposition to the Constitution of the State, in opposition to the Common Law, on which both constitutions are founded, and in opposition to a specific statute of the State of Illinois. Article IV. of the Constitution of the United States, Section 2. provides that; "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. This provision of the Constitution of the United States prohibits discrimination against a deaf person, or any other citizen when on trial. If the state should pass a law authorizing such gross injustice to be practiced on a deaf person, or upon a foreigner who does not understand the English language, as to try him

without communicating or interpreting the proceedings to him, that law would be unconstitutional. Since the established practice in the colonies and in the states since the Union was formed was, and is, that every person when on trial, shall know the details of that trial, in which his life, liberty, or other interests are involved, as the case progresses. Any trial conducted in any other way, anywhere in the United States, is illegal, and the judgment void. That has been the uniform decision of the higher courts, in every state and the unanimous opinion of the judges of the United States Supreme Court up to the year of our Lord 1906, Article VI. of the Constitution of the United States, which shall be made in pursuance thereof, shall be the Supreme Law of the land, the judges in every state, shall be bound thereby, anything in the Constitution or the laws of any state, to the contrary notwithstanding. These provisions alone should have secured to this deaf old soldier a just, and humane consideration, from the moment of his arrest. How could we be so ignorant of these mandates of the Supreme law of the land. Had the State's attorney never read Article VI. Amendments of the Constitution of the United States, providing that; in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury; he shall be informed of the nature and cause of the accusation; he shall be confronted with the witnesses against him; and shall have the assistance of counsel for his defense. *Witnesses are not such, except as to what they say. If the accused does not know what they say, he is not confronted by them.* It is true, and was conceded by the court, that he did not know the proceedings of his trial, on account of his infirmity of deafness, yet he proceeded to sentence him, having the sheriff repeat the sentence through the eartube, after he had frankly declared that under the circumstances, "*it is practically impossible for me to say anything to this defendant.*" Why? Because the defendant could not hear. There is no impediment in the Judge's speech, but it would be very awkward to make an address to

him, through the eartube. It does not take a lawyer to discover, in the plain statements of the constitution of the United States the determination of our fathers to secure for their posterity, the justice, equality, liberty and humanity of their priceless heritage, the Common Law; but to make more certain of it, they added Article IX. "The enumeration in the constitution of certain rights, shall not be construed to deny, or disparage, others retained by the people." Not only does the Constitution of the United States accept the long established Court procedure of the Common Law in criminal cases but it provides in Amendments Article VII. that "where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." The same Article also provides that; "no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the Common Law." The XIV. Amendment to the Constitution provides that; "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state where they reside. No state shall make or enforce any law, which shall abridge the privileges or immunities, of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction, the equal protection of the laws." "Congress shall have power to enforce, by appropriate legislation, the provisions of this Article." George W. Felts is a citizen of the United States. Shall we be compelled to go to the Congress of the United States to secure his rights?

If state's attorneys are permitted to nullify the Constitution of the United States and the Constitution of the state, and substitute their individual notions and caprices and prejudices for established law what can result but anarchy?

How long before we shall see the following advertisement distributed throughout the world?

Lost.—Liberal Reward—.

Lost from the courts of the great Republic of America, One Constitution of the United States, also One Constitution of the State of Illinois. Believed to have been carried into the Kingdom of Anarchy, by conspirators against the Peace and Welfare of Humanity. Among the conspirators are known to be the following, Cowardly and corrupt judges; persecuting and perjured State's attorneys; perjured witnesses, etc., etc., all these (encouraged by a large number of indifferent people, who generally describe themselves as "too good," or "not good enough,") are believed to have stolen and hidden these priceless treasures."

I am afraid it will take more than advertising to get them back, but if indeed they are thus regained, or we find that we have mislaid them somewhere, in our mad rush to "get there" where ever that may be, I think it will take more than advertising to keep them. "Eternal vigilance is the price of liberty." and that "the Goberlins will get you if you don't watch out," is something more than a nursery joke. It won't make any difference how innocent you may be, nor what you can prove when the State's attorney is allowed to be the star witness, and have the closing speech, and the jury with no report of the evidence to refresh their memory are under the impression that he is oath bound to tell only the truth and keep within the evidence. He will have twenty dollars for convicting the accused, and the sinless Christ was sold for about $15.00, by just such traffickers in human life and liberty; therefore you should not complain.

One of the primary rules of the Common Law is to accord to the accused person the right to know the whole proceedings of the trial in which his life, or his liberty, or his property is at stake. The United States has never repealed the Common Law nor granted the right of any State to do so; but on the contrary, has expressed its abiding purpose, to render inoperative the Constitution, or the law of any State, that shall attempt to annul the same. Under the Common Law procedure, it is always conceded, that the accused has the right to know all

that his accusers say, while they are witnessing, whether before a coroner's jury, or in a preliminary trial, or in the trial court, where he is to be acquitted or convicted. According to the Constitution both of the state and nation, where ever his accusers appear the accused has the right also to appear and to know all that the witnesses say, and the whole proceedings of the Court that deals with his interests. Wherever this is neglected, the convicted has been taken out on habeas corpus, or granted a new trial. I have read many interesting cases during the last two years, where the higher courts have declared the judgment void, because the accused did not hear a few words of the proceedings. In one case after a fair trial, in which the accused was found guilty, he ran away just as they were bringing in the verdict. The judge pronounced the sentence in his absence. He was afterward arrested, but was released the judgment being held to be void because he was absent and did not hear the sentence. Nothing further could be done with him, as according to the Constitution, no one can be put in jeopardy twice for the same offense. In another case the judge was called up by the jury in the night to instruct them on a certain point. The defendant's attorney was present but the accused was not wakened and brought in to hear what the judge said. The trial went on and the accused was convicted. The judgment was declared void by the supreme court, because the accused had not heard that small part of the proceedings, the judge's instructions on a single point. There are many similar cases, showing the extreme care with which the Constitution and the Common Law seek to guard the rights of the people. The deaf old soldier did not hear or read one word of the judges instructions, nor any other part of the proceedings. Whether the accused person was worthy or unworthy, whether he was a kind-hearted natural gentleman, like George W. Felts, who, according to forty-one of the chief citizens of his town, had always been a law-abiding peaceable citizen, or whether he was a common thug, of the most degraded order he was, according to the

accepted law of this great State to be considered innocent until he was proven guilty, and had the right to know all that was said in his trial from the beginning to the end. For hundreds of years, according to the course of the Common Law, the procedure, in the case of a deaf person, when on trial, has been, to communicate to the accused, by the best method, every word of the proceedings. If he could read writing, everything was carefully written out for him as the trial progressed. If he could read only printing, this tedious method with its delays, was the legal way. If he knew the sign language, a person who also knew that method of interpreting was sworn to repeat correctly, the proceedings to him, as the trial progressed, and to repeat to the Court his questions and answers.

The Constitution of the State of Illinois, is in perfect accord with the Constitution of the United States, so far as judicial procedure is concerned, by special agreement and ordinance as well as by mandate. When the territory Northwest of the Ohio river was organized, there was a contract between the original states and the inhabitants of the territory, that should forever remain unalterable, except by common consent. No such consent has ever been asked or granted. Said compact was embodied in the ordinance of July 13th. 1787. It held among other things, that: The inhabitants of said territory shall always be entitled to the benefits of the writ of habeas corpus and of a trial by jury, and of judicial process according to the course of the common law.

The enabling act passed by Congress in 1818, provided that the Constitution of the State of Illinois should not be repugnant to the ordinance of 1787 between the original states and the territory and states. This was duly ratified, by the state of Illinois, and its Constitution was therefore by agreement based on the Common Law, and specifically declared that the right to defend life and liberty and property are inherent and that "the right to trial by jury as *heretofore enjoyed shall remain inviolate.*" Illinois adopted a new Constitution in 1870, not to lessen respect for the Common Law and the national

Consitution, but to more fully indorse and substain both. That Constitution provides that the accused shall have the right to appear and *defend in person* and by counsel. How can a deaf person defend in person, when he does not know what is being said against him by the witnesses? How can his counsel intelligently defend him when he is not able to inform said counsel whether the witnesses are stating the truth or not in time for cross examination? It is manifestly absurd. Every principle of justice would be sacrificed in such a case.

No statute has ever been passed in Illinois attempting to abridge or annul the wise Common Law provisions of the Constitution of the United States and of Illinois to secure to an accused person, just and humane treatment, but a statute has been passed emphasizing them long ago, and it has never been repealed. In the revised statutes of the state of Illinois, leading down to 1906, you will find on page 745 the following statute.

"All trials for criminal offenses shall be conducted according to the course of the Common Law, and the rules of evidence of the Common Law shall also be binding upon all Courts and Juries, in criminal cases except as otherwise provided by law." Such a law, of course, would have to be in harmony with the Constitution, not opposed to it, nor to the established rights of the accused according to the Common Law procedure. A state may change its laws and its Constitution, but not withhold rights, conceded to the accused, before the adoption of the Constitution, nor abridge or deny a right guaranteed by the Constitution of the United States. How did it happen then that such a travesty of justice as the George Felts trial was possible in the United States and especially in the state of Illinois? Can a court procedure annul the great charter of our liberties, the Supreme Law of the land? when the Constitution of the State, and the statute of the State dare not do it? The law in the matter is that all court rules and court practice must be according to the Constitution of the United States and the laws made in pursuance thereof, not in opposition

thereof, and in obedience to the Constitution of the state and the statutes made in pursuance thereof. The judiciary is not the legislative branch of this government. Some people suppose it is and act accordingly. A very plausible apologist for the irresponsible behavior of some of our courts said "the evolution of our judical system will account for these changes." His idea suggested to my mind a new term—devilution—the definition of which is,—a solution of deviltry. Think of the evolution of a man into a monkey, or of a monkey into a man, and then of that man into a devil, and you will have a faint idea of the difference between the Sir Matthew Hales of the Bench, and some of the modern wise-acres thereon who do not know a provision of the Constitution from the imbecile opinion of a mere time server, and don't know that the disobedience of a judge or a state's attorney to the mandates of the Constitution and the laws is a greater sin than that they judge and condemn in others.

They destroy the hopes of the world and introduce the kingdom of anarchy, through all the channels where government is applied. Most of us are blind as bats to the sorrowful truth, that we, who boast so loudly of our free government have permitted the most irresponsible autocracy that the world has ever known to grow right up into the heart of our Republic and set aside justice and the Constitution at will. The autocracy of the Courts may be a new term, but it describes an older condition than many know, yet many of the most loyal and wise citizens are becoming alarmed at the steadily encroaching power of this autocracy that must not be questioned however illegal its actions or unjust its decisions. "The ten commandments will not budge, said Lowell." Neither will the Constitution "budge," but to use a slang expression the people have "got a move on them," an impetus that will not be stopped, and they are coming three hundred thousand strong with the war cry "back to the Constitution," Equal rights in the Courts, "Equal protection by the Courts." This most insidious and terrible rebellion of the Courts against the legislative branch

of the government and against the Constitution must go. The people and that will soon mean everybody except a few who have sold their birthright for a mess of pottage, are going to unite in a People's Law School, and Constitutional League, a Grand Army of Peace, whose business it will be to know their rights under the Supreme Law of the land and to know how to maintain them. The present methods of ligitation are systematized robbery of the people and they are rapidly finding it out, and one of the first things they will do will be to quit litigation, and the next thing will be to combine against the methods that impoverish those who must in self defense go before the Courts. "My people are destroyed through ignorance." said the Holy One in sacred writ. Surely it is true of our people, who do not know the foundations of Law and Order and Justice and Humanity provided for us in the Common Law and the Constitution and the laws made in pursuance thereof.

The Common Law is the embodiment of the experience of the best men the world has known in their struggle to secure equal justice, equal rights, and an equal chance for every man. It is the basis of every constitution, and of all judical procedure, and without it, or obedience to its provisions not only revolution would ensue, but dissolution of free government would be inevitable.

You will find, from a multitude of accepted authorities that the settled practice, in all English speaking countries, is to have everything communicated to a deaf person when on trial, by the best method, and if there is no way to convey to the deaf person the *details* of the trial, so that he can fully understand them, that he cannot be tried. He is then considered non sane, and a guardian appointed for him who is responsible for his good behavior, in some cases. I gathered from the Digests of the Decisions of the higher Courts, and from the United States reports, and the reports of the various state courts and the Courts of Great Britain, everything that has been preserved on this subject, and know whereof I write. I am not

simply describing an obsolete method forgotten before your grandfather's time; but the method pursued today in the other states, and in the courts of Illinois and, I am informed, that this has been the method pursued in the courts of Winnebago county before the present State's attorney invented the slick and easy way practiced upon this deaf old soldier, because as he says "the method of interpretation necessary would involve great delay."

The State's attorney is in legal charge of the case from the time that the arrest is made until the prisoner is convicted or freed. The judge does not come into the case until the trial court is in session and then he is in no sense a substitute for the State's attorney, but the latter's obligation continues, and trying to shift upon the attorney for the defense his own neglect of his solemn oath, acting for the state, to secure to an accused citizen "equal rights" and "equal protection" guaranteed to him by both state and nation, will deceive no one. Every judge we came before declared that the deaf should have all the details of the trial communicated to him as the case progressed, and the Supreme Court of the United States declared that "it was an uncontradicted fact that this unfortunate man was sentenced to imprisonment although he did not hear a word of the evidence." That it is to be regretted that the testimony was not repeated to him" yet that his only relief is to be found in a writ of error. But the State's attorney, with the glee of a hunter who has trapped a wounded deer, refused to open the door and let this deaf old man go up to the Supreme Court on a writ of error, after the friends of the old soldiers had contributed the money to get the record and Bill of Exceptions. He succeeded by terrible falsehoods in having him convicted and now he may succeed by the delays he has forced upon the board of pardons in having the suffering man die in prison. Yet he says that he can readily admit that the old man did not intend to kill Post." Where then is the excuse for continuing in the prison a man who has not long to live

and who has been two years and a half suffering a cruel punishment for something he did not intend to do.

I have enlisted in the war against injustice and iniquity in high places, and while I may make some mistakes, I do not intend to do anything that I cannot lay before our Father in Heaven with the faith of a child and the courage of a martyr. I begin to see the overruling hand of Providence in casting us into this veritable furnace of fire. Often in our mission work, I have thought of the saying of our Master, "I was sick and in prison and ye visited me not," and it seemed to me that, that was the one place I was not allowed to visit. Then the great horror fell upon me, of the trial and imprisonment of this deaf, old, soldier brother, whose innocence could have been established, if he had been accorded the rights that every other citizen has when on trial in the courts of this state. Mr. Wiseman and I have been treated like outcasts and fools by this State's attorney, who no longer cares that we know his falsehoods and injustice and cruelty, because he believes that his office will shield him from exposure and censure. We have both worked all our lives in every possible way to benefit humanity but only lately have we discovered the sources of tyranny and oppression that yearly wreck the lives of many thousands of innocent people. The accused is to be considered innocent until he is "proven guilty," but now the State's attorney in some courts is allowed to slander and convict not only the accused but to invent and circulate any villification that his evil imagination may suggest. This State's attorney was not content in the same statement to say that "the old man can hear what people say," and then assert that the fact that "he cannot hear makes him irritable" but declares that he comes of a deaf family. Our beautiful, pure minded religious mother had fourteen children, every one in the full possession of their senses and healthy and symmetrical. Eleven of them are living and not one of them is deaf, except George, though one of them, a sister has been hard of hearing for a number of years caused by a severe illness long after she was of age. One member of the family

is slightly lame caused by an accident that might happen to even a State's attorney. Before the jury and before the Board of Pardons he exploited this falsehood of "a deaf family." What has that got to do with the monstrous injustice of his taking any citizen through his trial and not providing that the proceedings shall be interpreted to him in the best way to make him understand all the details as the law requires? One of our cousins sent me word that we ought to "concede the point that the husband of one of our aunts was deaf." No ancestor so far back as we know, was deaf. One might well wish to be deaf when this bombastic State's attorney indulges in the coarse abuse that he imagines is legal argument. When the judge said in sentencing the deaf old soldier, "It is to be regretted, in one sense, that the defendant has not known clearly what has been done, on account of his infirmity," I wondered whether a man who could hear would have been called upon to listen to such a vile tirade of untruth and vindictive insult. I do not believe he would. I have since the trial found out that the whole procedure is exceptional, and that there are many men who as State's attorneys take every care to stay inside of the evidence, and to avoid the least attempt to insult the relatives of the accused, realizing that they have all the sorrow they can bear already, and "burdens too heavy for mortals to bear."

George W. Felts has the sympathy of every one in the prison. Not a man among them seems to believe that he ought to have been sent there and they do the best they can for him under the circumstances. He has been very sick at times and has heart trouble and rheumatism. Also he had quite an alarming time from hemorrhage of the lungs, apparently, during a terrible cough that had been very obstinate. The Chaplains are also in sincere sympathy with him. They realize the utter loneliness of a deaf man in prison. Any other man no matter how bad he is, has the relief of the Sunday services. But no sound of prayer, or sermon, or music, can reach him. I attended Chapel exercises once, and the grand old hymns that he used to love were sung, but he heard not a word. I could

not go again. At the holiday times, addresses and entertainments are permitted, but all he knows is the gestures and the coming and going of the people. It is so difficult to make him hear even through the trumpet, and the voice must be so loud, that we generally write everything to him. This is the unfortunate deaf old soldier, tenderhearted as a child, who has been shut up by the State's attorney through falsehood, and who is continually slandered by him, as we have shown.

I hope never to forget that the condemned and abused found a friend in our Savior, that he loved them while they were yet sinners. I have had a glimpse into that maelstrom of extortion and injustice called "Court Practice" and I have been more bewildered and surprised, by the injustice and wickedness going on under cover of it, than by anything I have seen in my life, and I have been associated with my husband Rev. W. A. Wiseman in Mission and other work, throughout the United States for more than twenty years among all grades of people. I have quite a collection of pictures from "The Rogues Gallery" none of them, however of convicted men. They are men like unto those to whom our Savior said, "My father's house is the house of prayer, but ye have made it a den of thieves." He took a whip of cords and whipped them out of the temple. Who will follow in his footsteps?

CHAPTER II.

Habeas Corpus Proceedings.

After failing to secure the release of George W. Felts, on a writ of Habeas Corpus in the United States Court before Judge Sanborn, and the State Court, before Judge Honore, and being informed by both of these judges, that the proper remedy was a Writ of Error, instead of a Writ of Habeas Corpus, we were very much puzzled as to the best way to proceed. It was at this critical period, that former United States Senator William E. Mason heard of the case, and promptly offered his services, free of charge, to the deaf old soldier, who had been taken through his trial, without having any of the proceedings communicated to him as the trial progressed. Like all the other attorneys, he first recommended a Writ of Error, but when he learned that the old soldier did not have the necessary money to pay for writing up the record, and that the time for taking out the Bill of Exceptions had expired, he determined to go ahead with the Habeas Corpus proceedings, and if possible secure his release in that way. He brought the matter up in the United States Court, before Judge Landis, and failing to secure the prisoner's release, appealed the case to the Supreme Court of the United States. He made a trip to Washington, and appeared before the Supreme Court, and upon his request, they granted a special hearing for the case to be heard a few weeks later, at which time he returned to Washington and spent a few weeks of his valuable time, and made a masterly effort, both in his brief, and in his oral argument, but the Supreme Court, held the same view as the other courts before which the case had been argued, that it was better practice as they called it, to go up to the Supreme Court of the state on a Writ of Error, in a case of this kind. The friends of the old

soldiers in Chicago, donated the money necessary for writing up the record, and an effort was then made to go up to the Supreme Court of the state, on a Writ of Error, by having the Bill of Exceptions signed "Nunc pro Tunc," as explained in another chapter, but the State's attorney promptly refused to consent, and so this deaf old soldier was not allowed to go up to the higher court, after every judge had assured him that it was the proper thing to do, and the statute of the state, *gives him five years* in which to appeal his case. Senator Mason wrote numerous letters from Chicago, and other prominent attorneys did the same thing, and Rev. W. A. Wiseman visited him again and again, in his own office, but the State's attorney had set his foot down that this deaf old man should spend the rest of his life in the prison, and he knew very well, that if he should be given a new trial, and the evidence about the condition of his neck when he entered the jail, was given to the jury, they would surely release him, and then what would become of the great victory that he won in sending this old soldier to the prison, who was taken through his trial without knowing what the witnesses said again him? Failing to get a new trial we undertook to get a pardon. After securing a petition of about six thousand names in Winnebago County, a large majority of them from the city of Rockford, where the trial was held, and numerous petitions from all over the state, we were given a hearing about the 10th of last December, at which time W. E. Mason appeared before the board of pardons and made an eloquent appeal, asking that the old man be given his liberty. The case is now before the board of pardons, and they are considering it, and after they have passed upon it, it will then go to the Governor. Former Senator Mason, out of the kindness of his heart, knowing that the old man is poor, and believing that he is not guilty, and that he should have known all the proceedings of the trial, as it progressed, has done all his work, without money, and without price, and without any hope of future reward.

In order that the people may have a better understand-

ing of our contention, in the Habeas Corpus proceedings, we submit the following extracts from the record. We wish to call especial attention to the statement of facts, and Brief for Relator, by Hon. W. E. Mason. In this the reader will find the description of the method established for the trial of a deaf person.

IN THE SUPREME COURT OF THE UNITED STATES.

Petition for Writ of Habeas Corpus.

Your petitioner, George W. Felts, respectfully represents that he is detained unlawfully and imprisoned in the penitentiary of the State of Illinois at Joliet by E. J. Murphy, warden of said penitentiary, on a charge of murder by virtue of a certain warrant for his commitment, a copy whereof is hereto annexed, which detention and imprisonment is unjust and contrary to law, and your petitioner alleges that he is not guilty of the crime laid to his charge.

Your petitioner, George W. Felts, further shows that he, the said George W. Felts, was in the January term, 1905, of the Winnebago County Circuit Court, placed on trial under an indictment for murder, was convicted and sentenced to the penitentiary for life, without having any chance to defend himself, and to prove, which he could have done, that he was the victim of a hold-up, near midnight of a dark night, when there was no moon, and no lights in the streets and no lights in the windows where he was passing.

Your petitioner, the said George W. Felts, now between sixty and seventy years of age, has always been a lawabiding, peaceable citizen, and never had any trouble with the man who was cut that night, nor did he know who it was that came upon him and grasped him by the neck and almost broke it as he ran him about in the dark. When he found that he could not get loose because of the strength of the man, who was very strong and hurting him cruelly, and feeling another

man come up to his back, and believing it to be a serious hold-up, he tried to prick the man with his small pocket knife in the leg to make him let go, but just as he reached back, this man came under him with his knee from the back, and kicked him from him. He, the said George W. Felts, declares under oath that if it was his knife that wounded the man it was done in that way, at that time, and that neither then, nor at any other time, did he intend to seriously harm his assailant, but only to warn him to make him let go, and that he did not know at the time that his knife touched the man, and since reading Dr. Haines' description of the wound, as to the size and depth, he honestly believes that the blade of his small pocket knife could not have made the wound, and that some one else did the deed, possibly to help him, as there were at least two other men, in the affair who would be as likely to aid him as to help his assailant, as they knew he was deaf and a sufferer from rheumatism, besides being an old man he was not half as strong as the man who had him by the neck.

Your petitioner respectfully presents the above statement to show that if he could have known what was being said in the trial, he could have brought proof corroborating his statement by people who saw the marks and bruises made on his neck by the fingers of his assailant, one of whom would have testified that his neck was lame and swollen for more than a week afterward. (We now have a dozen witnesses.)

Your petitioner, George W. Felts, further represents that he found out too late to be of service that this evidence as to the swollen and bruised condition of his neck was not presented in the trial.

Your petitioner respectfully shows further that he stated under oath on the witness stand that he had not heard a word, and could not hear a word of all that had been said during his trial, and that nothing was done by the court, before or after that time, to provide means for him to know what was said or done, but he was passed through the whole trial as though he had no rights, and that he might as well have

been outside of the courthouse, so far as knowing any of the details of the trial was concerned.

Your petitioner, George W. Felts, further shows that while he knew that he was treated with monstrous injustice during the trial, he did not know till afterwards that his legal and constitutional rights were being denied to him, and that he had a right, established by the Constitution of the United States of America, and confirmed by decisions from the highest court of the United States, under the common law, to know all the proceedings of the court, while the trial was in progress, and to have the testimony of witnesses, and all the details of the trial written out for him, or printed for his use, that he might understand and be able to properly defend himself *personally*, and by his attorney. It seemed at the time a terrible thing to him, that having lost his hearing in the service of his country, that that country had made no provision to secure to him, a deaf man, his rights in its courts. He now knows that his constitutional and legal rights were withheld, in that he did not have communicated to him by writing or printing, or by the use of his ear tube, the proceedings of the court that tried him.

Your petitioner represents that he did not waive his constitutional right to know the evidence against him, and he is advised that he could not waive such right.

Your petitioner, George W. Felts, further represents that he is a veteran of the Civil war, who lost his hearing in line of duty as a soldier, and because of this deafness this trouble came upon him. The village marshal testified in a written statement, verified in the trial court, that he heard laughing and talking during the time of the assault, and had he, your petitioner, heard this laughter and talking, he would have known the voice of his assailant, and would have known that the seeming hold-up was meant to be the rough fun of a man who had been drinking. He, your petitioner, being so deaf that he can only hear when a person speaks into the mouthpiece of the ear trumpet close to him, heard no sound of

laughter, and not a word spoken, and the rough treatment made him believe that he was in serious danger from the three men, especially the one who had him grasped by the neck, which was a reasonable belief, as in the midnight darkness, he did not know who any of them were.

He, your petitioner, George W. Felts, further represents that while he can not always hear through the eartube, he can read both writing and printing, and it was possible, therefore, to interpret to him all the details of the trial in that way, and he, your petitioner, George W. Felts, further represents under oath that no one was appointed by the court to convey to him any of the proceedings, nor did any one volunteer to do this, while it was known to all, as the affidavits attached to this petition witness, that he could not and did not hear or know any of the proceedings of the trial.

Your petitioner further represents unto your Honors that although he had with him an ear trumpet during the progress of his trial, yet he states under oath, as a matter of fact, that he did not hear one single word of the examination of the jurors either by the State's attorney or by his own counsel; that he did not hear the names of the jurors nor their business so that he could advise intelligently with his counsel as to the advisability of the acceptance or rejection of the jurors, and as a matter of fact, he was not consulted and did not know the facts elicited by the examination of the jurors before acceptance, and he states to your Honors that from facts he has gathered by reading the newspapers since his trial that he would have objected to certain jurors if he had known their names and their relationship with other people, and would have helped his attorney, during examination, touching their qualifications as jurors; that, as a matter of fact, such examination was never written out so far as this petitioner is informed, and believes, and no word of the examination was spoken to him through his speaking tube or communicated to him in any way before the acceptance of the jury.

Your petitioner further represents that he did not hear,

nor have communicated to him in any way, the evidence of the witnesses on the trial of his case, and that he was unable to suggest to his counsel any questions for cross-examination during the trial, and that the substance of their evidence was not communicated to him, until he saw some partial reports of it in the newspapers, when it was too late to suggest to his counsel proper cross-questions, and your petitioner further states that the first thing communicated to him after the beginning of the trial, which lasted about two weeks, was the verdict; that he was in the court room with his ear trumpet but was unable to hear the verdict, and did not know what the verdict was until the clerk of the court wrote it upon a piece of paper and gave it to your petitioner.

Your petitioner further represents that he was present in the court during the motion for a new trial, but did not hear a word that was said by either counsel, and the only thing communicated to him was when he was called to the bar to be sentenced, and then your petitioner noticed that the court was talking to the sheriff, and the sheriff came then to your petitioner and putting his mouth in close communication with your petitioner's ear trumpet, explained to your petitioner that his motion for a new trial had been overruled, and that he had been sentenced for life, as shown by copy of court proceedings hereto attached.

Your petitioner further represents that he did not waive his right to a speedy trial, but was anxious to be tried while the condition of his neck would prove that he had been assaulted, but for the convenience of others his trial was postponed, at which time he supposed that witnesses would testify to the marks and bruises upon his neck, showing that, what he had done, if he had done anything, that he had only acted in self-defense without any idea of seriously harming any one. To his prejudice, loss and personal injury, he was held in jail for six months with no opportunity to let the people know his side of the case, and as before stated, being unable to hear anything that passed during the trial, did not know until it was

too late, that the important evidence concerning the marks and bruises on his neck, corroborating his statement concerning the affair, had not been presented.

Your petitioner further represents that he never had a copy of the indictment, nor the names of the witnesses, nor anything that would enable him to aid his attorney in his defense, nor had he any opportunity from the hour he was arrested to the rendering of the verdict to hear or to know the proceedings during his trial.

Your petitioner believes that he would have been acquitted, had he been able to know, that he might properly aid in his defense, in the examination and cross-examination of the witnesses, and he further represents that he never willingly waived any right to a legal and constitutional trial, and that he is advised that he could not have waived such right had he wished to do so.

Your petitioner further represents to your Honors that it is his belief that had he been permitted to be present at the coroner's inquest and show the marks upon his neck of the finger prints and bruises made by his assailant, that he would never have been indicted, and that everyone would have believed his story, that he was the victim of an assault, and had only acted in self-defense, without any intention of seriously harming any one.

Your petitioner further represents that the bruises and finger prints were still to be seen upon his neck, and it was still lame and swollen at the preliminary trial, and your petitioner did not waive his right to be examined on that occasion nor authorize his attorney to waive any of his rights then or at any time thereafter, but being unacquainted with the rules in trying cases, and not being able to hear any of the proceedings, left the whole matter in his counsel's hands, who of his own motion decided not to offer any defense in the preliminary trial.

Your petitioner also represents that at the preliminary trial, though he was within about ten (10) feet of the wit-

nesses, that he could not hear a word, and that no word of all that was said was communicated to him during said trial.

Now, therefore, your petitioner, the said George W. Felts, represents that he was not tried by due process of law and that his rights, under the Constitution of the United States of America and the Constitution of the State of Illinois, to have a trial by due process of law and to be confronted with the witnesses brought in to testify against him, by the people, was absolutely denied him, the said George W. Felts, and that by reason of his condition in life, suffering the infirmity of deafness, his trial was without any authority of law and that the judgment of the court is absolutely null and void, for the reason that when the court failed to have written for him to read the evidence of the witnesses and failed to have communicated to him the proceedings, while the trial was in progress by writing or printing or in any way informing him of the details of the trial, and failed to have communicated to him the answers of the jurors and other proceedings when they were being examined and selected to try him, denying to him the right to challenge and to aid in selecting said jurymen and leaving him in total ignorance of all that was said or done; that the court, therefore, and thereby, lost jurisdiction of the person of your petitioner, the said George W. Felts.

Your petitioner, George W. Felts, annexes hereto a certified copy of the proceedings of said trial just preceding the passing of sentence wherein it is shown that the trial judge knew that the said George W. Felts did not hear and could not hear any of the proceedings, and that the said trial judge sentenced the said George W. Felts without having given him a trial by due process of law as guaranteed to him by the Constitution of the United States of America.

Statement of the court in the trial of the case in the Circuit Court of Winnebago county, State of Illinois.

The Court: (Judge Frost).

It is regretted in one sense that the defendant on account of his infirmity is unable to know clearly what has been done.

The Court: Well, under the circumstances of course it is practically impossible for me to say anything to this defendant.

(Here follows the sentence of the court), which sentence was transmitted to the defendant by the sheriff through a tube.

I, Thomas J. Scone, do hereby certify that as the official reporter I took the testimony in the case of the *People* vs *Felts,* tried before his Honor, A. H. Frost, Judge of the Seventeenth Judicial Circuit, and that the foregoing is a transcript of a part of said proceedings, so taken by me.

(Signed) Thos. J. Scone.

State of Illinois, }
Winnebago County, } ss.

Thomas J. Scone, first being duly sworn , on oath deposes and says that he was present during the trial of the case of the *People of the State of Illinois* vs. *George W. Felts,* and that at no time during the said trial was the testimony of any witness read to the said George W. Felts, nor was the testimony of the witnesses, who testified in said case written up by me as the official stenographer or reporter of said court and read over to the said George W. Felts at any time prior to the passing of sentence by the court.

The testimony of all the witnesses was taken down by me as the official stenographer of said court.

(Signed) Thos. J. Scone.

Subscribed and sworn to before me the eighth day of March, 1905.

(Signed) William G. Anderson.
Notary Public in and for Cook County, Illinois.

Your petitioner also annexes hereto extracts from affidavits, showing his utter inability to hear the proceedings wherein he was convicted and sentenced.

County of Winnebago, } ss.
State of Illinois, }

I, Florence F. Sarver, of the County of Winnebago and the State of Illinois, first being duly sworn, on oath testify: That I was present during the trial of George W. Felts, held at the courthouse, in the City of Rockford, in the Circuit Court in the January term, A. D. 1905. I sat near the accused, throughout the trial, and I testify that no one was appointed to communicate to him in any way the proceedings of the court, during the trial. Also that no one volunteered to repeat to him through his eartube or to write or print for him to read, anything that was said by jury or judge or lawyer or any witness, and it was generally known and admitted that he, being deaf, was compelled to be tried without knowing what was said against him, or any of the proceedings during the progress of the trial.

I also testify that he can read writing and printing, and that he can hear imperfectly, through an eartube, when the person speaking is close to him, speaking into the mouthpiece of the tube. This, however, was neglected, as his attorney was otherwise occupied, and no one was appointed to do it.

Florence F. Sarver.

Subscribed and sworn to before me this 21st day of October, 1905.

[seal.] Jesse F. Harris,
Notary Public.

State of Illinois, } ss.
Winnebago County, }

Edwin R. Rowley, of the City of Rockford, County of Winnebago, and State of Illinois, being first duly sworn, on oath says that he was present during the trial of George W. Felts, in the Circuit Court of said Winnebago county, held at the court house in the City of Rockford, Illinois, at the January term, A. D. 1905; that he was present during the greater

part of said trial, being present all the time excepting about half an hour of one morning; that said George W. Felts was very hard of hearing, being unable to hear anything except when spoken to directly through an ear trumpet or tube placed close to the mouth of the one speaking; that said George W. Felts was not able to hear any of the testimony presented against him at said trial, nor the pleas made by the attorneys, nor any of the proceedings of said trial; that no provision was made to inform the said George W. Felts at the time testimony was presented and arguments made what was said or done during said trial; that no effort was made by any one to convey to the said George W. Felts any of the details of the said trial as it proceeded, by mechanical means, such as writing or printing or the use of an eartube; that he, this affiant, heard the argument of the State's attorney before the jury at said trial and he is satisfied that said State's attorney, by going outside of the evidence at times, and contradicting the evidence at other times, in his statements before the jury, succeeded in misleading said jury, thereby putting the said George W. Felts in Joliet prison for life, thus unjustly taking advantage of a deaf and helpless old man.

EDWIN R. ROWLEY.

Subscribed and sworn to before me this 11th day of September, 1905.

[SEAL.] LEWIS F. LAKE,
Clerk Circuit Court.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY, } ss.

I, George A. Preston, of Rockford, County of Winnebago, and State of Illinois, being first duly sworn, on oath testify that I was present a portion of two days at the trial of George W. Felts, in the January term of the Circuit Court, A. D. 1905. in the court house in Rockford, in the said county and state.

I testify, under oath, that it was known to me and generally known, that the said George W. Felts is a deaf man, who can only hear when the speaker is close to him and speaking with the mouth at the end or in the mouthpiece of the tube. I testify that no one attempted to speak to him through the tube, or to convey to him in any way such as by writing or printing, any word that was said in the trial court, while I was present, so that he might as well have been outside of the court house, so far as being able to know the proceedings was concerned.

I also testify that I was present a portion of the time when the jury was being chosen, and no attention was paid to him, and nothing conveyed to him in any way as to the questions propounded to the jury or the answers given by any one of them. I particularly noticed this neglect, and that he was ignored as completely in the selection of the jury and in all the other proceedings of the trial while I was present as any mere spectator in the court room.

GEORGE A. PRESTON.

Subscribed and sworn to before me this 14th day of September, 1905.

[SEAL.] LEWIS F. LAKE,
Clerk Circuit Court.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY, } ss.

I, Blanche E. Eaker, of the City of Rockford, County of Winnebago, and State of Illinois, being first duly sworn, on oath testify that I was present during five sessions of the Circuit Court of said county and state, held at the courthouse in the City of Rockford, Illinois, in the January term, A. D. 1905, while the trial of George W. Felts was in progress. I testify that I knew the prisoner George W. Felts to be a deaf man, who can only hear through an eartube when the person speaking is close to him, speaking directly through the tube. I sat behind him, in the next row of seats, and I noticed

particularly that no one attempted to convey to him any of the testimony, or any other proceeding of the trial, during the sessions of the court, when I was present, either by speaking to him through the tube or by writing or printing for him to read, any of the testimony or other proceedings of the court.

I also testify that it was generally known, and often commented upon in the daily papers and by the people who attended the trial, that he was unconscious of what was spoken by any one during the proceedings.

BLANCHE EAKER.

Subscribed and sworn to before me this 13th day of September, 1905.

[SEAL.] LEWIS F. LAKE,
Clerk Circuit Court.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY, } ss.

Daniel C. Richards, a resident of the City of Rockford, county and state above named, who being duly sworn, deposeth and says he has known George W. Felts since he was a boy; that for a number of years said George W. Felts has been very hard of hearing (or deaf); that it was hard to communicate with him even with the aid of a speaking tube or ear trumpet. Said affiant further says that he was in attendance at the trial of said Felts at the court house in the above named city and state in the Circuit Court at the January term, A. D. 1905, a considerable portion of the time when said trial was in progress; that said Felts did not have a fair trial for the reason there was no effort by the court, the attorneys conducting the trial, or other persons, to communicate to said George W. Felts by the use of the eartube, by writing or other rational means, the purport of the testimony, either for or against him, during the time it was being given; that said Felts sat unconscious of what the evidence was throughout the various sessions of the court during the trial.

Said affiant further states that as a boy and man, until crippled with rheumatism, said George W. Felts was considered an industrious boy and man. The holding an honorable discharge and allowance of pension by the government should offset the assertion of the State's attorney that he was a shirk as a soldier.

DAN'L C. RICHARDS.

Subscribed and sworn to before me this 13th day of September, 1905.

[SEAL.] LEWIS F. LAKE,
Clerk Circuit Court.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY, } ss.

I, Henry R. Howe, of the City of Rockford, County of Winnebago, and State of Illinois, being first duly sworn, on oath testify that I was present at different times during the trial of George W. Felts, in the Circuit Court held in Rockford, Illinois, in the January term, A. D. 1905.

I testify that I have known the said George W. Felts personally since 1862, and I have always known him to be possessed of those noble impulses and qualities of heart and mind that go to make up a true and loyal man. He has been partially deaf since his exposure and suffering as a soldier in the war for the Union, and for quite a number of years, in order to converse with him at all it is necessary to be close to him and speak carefully and distinctly through the ear tube. He continually wears this tube suspended from his neck for that purpose. I testify, under oath, that at no time during my presence in the court room, while the witnesses for the prosecution and the defense were being examined, was the said George W. Felts communicated with in any manner, by the ear tube, or printing, or writing, so that he could know anything that was said by any of the witnesses, nor were any of the

proceedings of the trial conveyed to him at any time when I was present by any one.

It was a pitiable sight to see this old, broken-down veteran soldier the central object of idle curiosity, being tried for his life that he once so freely offered to save his country, without being made to understand the nature and extent of the accusations being made against him at the time.

H. R. Howe.

Subscribed and sworn to before me this 14th day of September, 1905.

[SEAL.] Lewis F. Lake,
Clerk Circuit Court.

State of Illinois, } ss.
Winnebago County, }

I, J. F. Eaker, of the City of Woodstock, State of Illinois, first being duly sworn, on oath testify that I was present during the trial of George W. Felts, held in the court house, in the City of Rockford, in the above mentioned county and state, in the Circuit Court, January, 1905, A. D.

I testify that I sat by his side nearly every session of the court during his trial, and I know that no one repeated to him any of the proceedings of the trial either the testimony or anything else while the trial was in progress.

I testify that no one talked through his tube, or wrote out for him, or printed for him, any of the proceedings of the court while I was present. I was also present and heard the state's attorney when he falsly attacked the character, and the soldier record of George W. Felts.

This was a cruel and grievous thing for him to do, when this poor old patriot had lost his hearing, from exposure and sickness in the service of his country, and when, as I believe, and he testifies, that his deafness was the principal reason for his fright, in being, as he thought, the victim of a hold-up, in the midnight hour of a dark night. I believe he is suf-

fering a most unjust imprisonment for being compelled, as he thought, to act in self-defense.

J. F. Eaker.

Subscribed and sworn to before me this 2d day of October, A. D. 1905.

[seal.] Theo. Hamer,

Clerk of the Circuit Court in the County of McHenry and State of Illinois.

State of Illinois, } ss.
Winnebago County, }

I, Will Kenyon, of the City of Rockford, County of Winnebago, State of Illinois, first being duly sworn, on oath testify that I was present throughout the trial of George W. Felts, held in the court house in the City of Rockford, Illinois, in the January term of the Circuit Court, A. D. 1905. I testify that it was known to me and known to the trial court, and admitted both by the attorneys and the witnesses on both sides, that he went through the trial unable to hear any of the proceedings.

I testify under oath that I sat in about six feet of the prisoner during the trial, and seldom farther away, and as I had to look past him to observe the jury when they were being chosen, and the witnesses when they were testifying, I know that no one communicated to him any of the proceedings, as the trial progressed, and it was generally conceded that he knew no more of what was said for or against him during the trial, than he would had he been miles away.

Will Kenyon.

Subscribed and sworn to before me this 27th day of September, 1905.

[seal.] Leila I. Sweet,
Notary Public.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY, } ss.

I, Dorothy Kenyon, of the City of Rockford, County of Winnebago, and State of Illinois, being first duly sworn, on oath testify that I was present during the greater part of the trial of George W. Felts, held in the court house, in the said city, county and state, in the January term of the Circuit Court, A. D. 1905.

I testify under oath, that I knew, and believe it was generally known, that the said George W. Felts is only able to hear, when the speaker is close to him, and speaks with the mouth at the mouthpiece of the ear tube. That it was known to all present, was manifest, when the jury was being chosen, as no one noticed him any more than though he had been a disinterested stranger. The questions and the answers were none of them repeated to him, and from that time, no one used his ear tube to communicate with him, anything that any witness said or by writing or printing informed him of any of the proceedings of the court while the trial was in progress. His attorney in defending him stated that he had heard no word that was said, and the prosecuting attorney also referred to the fact of his deafness, as did the various witnesses. In fact the sad truth was known to all that he was passed through his trial, unconscious of what was said or done either for or against him.

MRS. DOROTHY KENYON.

Subscribed and sworn to before me this 27th day of September, 1905.

[SEAL.]

LEILA I. SWEET,
Notary Public.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY, } ss.

I, Ruth Baldwin of the City of Rockford, County of Winnebago, and State of Illinois, first being duly sworn, on

oath testify that I was present during the trial of George W. Felts, held in the court house, in the said state, county and city, in the January term of the Circuit Court, A. D. 1905.

I testify that I knew the prisoner, said George W. Felts, to be a deaf man, who can hear only when spoken to through an ear tube, and that it was known to all present, was manifest when the jury was being chosen, as no one noticed him any more than though he had been a disinterested stranger, The questions and the answers were none of them repeated to him, and from time to time no one used his tube to communicate to him anything that any witness said, or by writing or printing inform him of any of the proceedings of the court while the trial was in progress. His attorney in defending him stated that he heard no word that was said, and the prosecuting attorney also referred to the fact of his deafness, as did the various witnesses, and the sad fact was known to all that he was passed through his trial unconscious of what was said or done, either for or against him.

MRS. RUTH BALDWIN.

Subscribed and sworn to before me this 27th day of September, 1905.

[SEAL.] LEILA I. SWEET,
Notary Public.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY. } ss.

I, Ernest Baldwin, of the City of Rockford, County of Winnebago, State of Illinois, being first duly sworn, on oath testify, that I was present during one day, or two sessions, of the Circuit Court of said county and state, held at the court house, in the City of Rockford, Illinois, in the January term, A. D. 1905.

I testify that I knew the prisoner to be a deaf man, and it was generally known that he could only hear through the eartube that for years he has carried around his neck for that

purpose. I testify that while I was present, through one day, or the forenoon and the afternoon sessions of the court, that no one attempted to communicate with him either through the tube or by writing or by printing, or any other way, the proceedings of the court. It seemed to many of us monstrous injustice at the time, that this deaf old soldier, or any one else, so afflicted, should be tried for his life, not being able to know what was said against him, and having no chance to defend himself.

ERNEST V. BALDWIN.

Subscribed and sworn to before me this 27th day of September, 1905.

[SEAL.] LEILA I. SWEET,
Notary Public.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY. } SS.

I, Myron Franklin, of the City of Rockford, County of Winnebago, State of Illinois, being first duly sworn, on oath testify, that I was present, part of the time, during the trial of George W. Felts, held at the court house in the City of Rockford, Illinois, in the January term of the Circuit Court, A. D. 1905.

I testify that I knew the prisoner, George W. Felts, to be a deaf man, who can only hear, when spoken to through an eartube, when the person speaking is close to him, speaking in the mouthpiece of the tube. I was present one day during his trial when the witnesses were testifying, and I was present at other times.

I testify under oath, that no one attempted to speak to him through his eartube, nor to communicate to him by writing or printing anything that the witnesses said, nor to make him acquainted, in any manner, with any of the proceedings of the trial while I was present.

MYRON FRANKLIN.

Subscribed and sworn to before me this 27th day of September, 1905.

[SEAL.] LEWIS F. LAKE,
Clerk Circuit Court.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY. } ss.

I, Julia A. Potter, of the City of Rockford, County of Winnebago, and State of Illinois, first being duly sworn, on oath testify, that I was present during four sessions of the Circuit Court at the trial of George W. Felts, held in the court house, in the City of Rockford, State of Illinois, in the January term, 1905, A. D.

I testify that I knew the prisoner, George W. Felts, to be a deaf man, who can only hear when spoken to through an eartube, with the person close to him speaking through the mouthpiece of the eartube. I sat where I could see him during four sessions of the court, and I saw no one attempt, to inform him, by the use of the tube, or by writing or printing, any of the testimony against him, nor any other proceedings of the court. His inability to hear was generally known, and often remarked upon in the press, and by the people.

JULIA A. POTTER.

Sworn to and subscribed before me this 26th day of September, 1905.

[SEAL.] LEWIS F. LAKE,
Clerk Circuit Court.

STATE OF ILLINOIS, }
WINNEBAGO COUNTY. } ss.

I, Byron McGraw, of the Town of Pecatonica, County of Winnebago, State of Illinois, first being duly sworn, on oath testify that I was present nearly all of the time during the trial of George W. Felts, in the court house, in the City

of Rockford, in the aforesaid county and state, in the January term 1905.

I testify, under oath, that no one attempted to repeat to him, either through his eartube, or to write out for him to read, or to typewrite or print for him any of the testimony of the witnesses, or any other word that was said by any one during his trial. It was known and admitted that he was deaf by all connected with the court, and generally known to all present. The impression seemed to be that because he was deaf he had lost all his rights as a citizen, and that it was not necessary to let him know any of the details of the trial. It was not necessary to deprive him of his right to a legal trial, as he can read both writing and printing as well as any one. Such treatment was particularly grievous in his case, because his deafness was the occasion of his trouble in the first place. According to his testimony, which was believed by his attorney and by many of the best citizens of the county, he, this deaf old soldier, was made the victim of a practical joke by three men near midnight, when there was no moon, and no light on the street, or in the windows where he was passing. The three men had been drinking, and as he stepped upon the sidewalk, one ran against him, one had his foot out to trip him up, and another grasped him by the neck, coming from behind him. Finding that he could not get loose, he, the prisoner, undertook to prick the man in the leg with a small pocket knife, not expecting to do any serious harm and not knowing who his assailant was. Just as he put the knife back the man came under him with his knee, to kick him forward, and if it was his knife that made the wound, that was when and how it was done. It was claimed that the loud laughter of the men at the time showed that they were only in fun, but as he could not hear the laughter, nor a word that they said, and could not see who it was, it was serious business to him.

I testify, under oath, that I have known him for more than twenty years, and know that he is a kind-hearted, good man, who would not maliciously injure any one, and that he

has always been a law-abiding citizen. I also know that he was a particular friend of the man who was cut, and had he known who it was he would not have been frightened and would not have used his knife. On account of his deafness and the darkness of the night, he, George W. Felts, was justified in believing that he was the victim of a vicious hold-up.

BYRON MCGRAW.

Subscribed and sworn to before me this 27th day of September, 1905.

F. A. SHERLOCK, *J. P.*

[SEAL.]

STATE OF ILLINOIS, }
WINNEBAGO COUNTY. } SS.

I, John C. Felts, of the Town of Jesup, State of Iowa, first being duly sworn, on oath testify, that I was present nearly all the time during the trial of George W. Felts, in the court house, in the City of Rockford, in the County of Winnebago, and State of Illinois, in the Circuit Court, in the January term, 1905, A. D.

I testify, that I sat near him all the time, and by his side during most of the days when I was present. I sat by him during the time the evidence was being presented, and I testify, under oath, that no provision was made at any time, during the many days I sat by his side, and near him, to communicate to him, in any way, either by speaking through his eartube, which he carries around his neck for that purpose, nor by writing, or printing, for him to read, any of the testimony, nor any other proceedings of the court, while I was present.

I also testify, that the State's attorney went outside of the evidence and introduced damaging statements, that were wholly untrue, and by false and furious denunciation, prejudiced the jury. He was particularly insulting, in belittling the faithful, and honorable record of George W. Felts, who,

as a patriotic soldier, in the war for the Union, almost lost his life, and did lose his hearing.

I also testify, that it is my belief, and the belief of a large number of persons, who were present at the trial, that George W. Felts, because he was deaf, and could not hear the laughter of the men who seemed to be waylaying him, thought that he was the victim of a hold-up in the midnight darkness. It was proven by the witnesses for the state, that there was no moon and no light in the streets, and it is well known that he can not see very well, being between sixty and seventy years of age. He, and the man who was cut, had always been friends, and, had he known who it was that came upon him, he would not have been frightened into trying to prick the man with his pocket knife.

I testify, that George W. Felts has always been a generous, kind-hearted man, especially forbearing in provocation, and that the State's attorney, in asserting the contrary, and in pretending that the said George W. Felts was ever an idle man, went outside of the evidence and falsely accused one of the most industrious men I ever knew.

J. C. Felts.

Jesup, Buchanan County, Iowa.

Subscribed and sworn to this 2d day of October, 1905, before me.

H. S. Rich.,
Justice of Peace of Perry Township, Buchanan County, Iowa.
[SEAL.]

Affidavit of W. A. Wiseman,

I, W. A. Wiseman, testify, under oath, that I was present at all the proceedings of the trial of George W. Felts in Rockford, Illinois, trial beginning January 16, 1905, and lasting about two weeks.

First: The prisoner, George W. Felts, did not have a fair trial, as he is deaf and could not hear the testimony nor the pleadings against him, and there was no effort made to fur-

nish him a copy of either at the time, and he was very much surprised at different things which were reported in the newspapers from time to time and which he was permitted to read after it was too late for him to make any satisfactory use of them.

Second:. The State's attorney, went outside the evidence and made accusations in his statement and pleadings which are not true, and which I believe resulted in the conviction of George W. Felts; for instance:

(a) He told the jury that the prisoner was an idle man. This was not proven and is not true. He was an industrious man until he was almost completely broken down by rheumatism, and what they call "blacksmith's heart," and was not an idle man even after that.

(b) The said State's attorney also made false and damaging statements in his pleadings before the jury in regard to the prisoner's soldier record, thus discrediting a loyal and patriotic soldier who lost his hearing from months of faithful service and came near losing his life, and holds an honorable discharge from the United States government.

(c) The said State's attorney also claimed that George W. Felts was looking for trouble on the streets the night that Spencer Post was killed, when it was proven by three witnesses that he was looking for men who were to haul wood for him the next day, and no one testified that he was looking for trouble.

(d) The said State's attorney showed the jury how the prisoner held his knife at the time the stabbing was done, and declared it was the assassin's grip, when there was nothing in the evidence of the State's witnesses to indicate anything of the kind as to the manner in which it was done.

(e) The said State's attorney also declared to the jury that Attorney R. K. Welsh, for the defense, had invented the story that Spencer Post was on George Felts and had taught it to the prisoner, when the evidence shows that two of the State's witnesses, namely: Marshal Weaver and Deputy Sheriff

Adam Shorb, testified that he told them a similar story at the time he was arrested, while several others of the state's witnesses testified that George W. Felts said he was acting in self-defense, and that he could prove it, supposing that James Gaylord and Charles Hodges would testify as to what occurred there that night, as they were present.

)f(I believe the said State's attorney by going outside of the evidence at times, and contradicting it at other times in his pleadings, succeeded in misleading the jury and putting the prisoner, George W. Felts, into the Joliet prison for life, thus outraging justice and punishing an innocent and almost helpless man.

(g) Most of the damaging statements made by said State's attorney were made in his closing plea, so that the attorney for the defense could not answer them in open court, and thus the last impression made upon the jury was, to say the least of it, based upon falsehood and misrepresentation.

(h) For the foregoing reasons, I ask that the writ of *habeas corpus* be granted George W. Felts, as prayed for in the petition.

W. A. Wiseman.

Subscribed and sworn to before me this 1st day of March, A. D. 1905.

Elsie Jayne House,
[seal.] *Notary Public.*

In the Statement of Facts and Brief for Relator, in the Habeas Corpus proceedings in the Supreme Court of the United States, by Hon. W. E. Mason, he says:

"The Relator George W. Felts, a citizen of the United States, is a deaf man, being unable to hear excepting through an ear trumpet, and then only when the person speaking to him places his mouth in close proximity to the trumpet. He was a soldier in the Civil War, and his only income or property is a small pension which he receives from the government of the United States, given to him on the ground of deafness

which misfortune he incurred in the line of duty during the War of the Rebellion.

While walking along the streets on a dark night he was assaulted, and though the evidence afterwards developed, that it was done in rough sport, he thought he was the victim of a hold-up, and reached back of him with his small pocket knife and inflicted a wound from which his assailant died. He was thereafter arrested and went through the form of a preliminary hearing, during which preliminary hearing, no word of the evidence was ever transmitted to him, either through his trumpet or by writing or printing, and he was absolutely ignorant of what transpired at the preliminary hearing until told thereafter, through his eartube, that he had been bound over, and he was confined in the county jail in Winnebago county for a period of six months. He was thereafter indicted, and on the trial of his case he did not hear a single word that was said by his counsel or by the opposing counsel, during the entire examination of the jury, and had no communication during the progress of the examination with any one which would enable him to act intelligently upon the question of accepting or rejecting of jurors.

His case was tried before the Circuit Court and the jury selected, as I have before stated, and the trial lasted about two weeks. He had in his possession at the time of the trial his ear trumpet which he wore around his neck, but which was not available to him for the purpose of hearing, unless some one had repeated the proceedings into the mouthpiece of the eartube. No one was appointed to do this, and as a matter of fact he did not hear anything that the witnesses testified to, who were against him in the trial of the case, and so far as his constitutional rights are concerned, he might as well have been absent from the court room during the whole trial up to the rendering of the verdict.

The jury returned a verdict of guilty, which the record shows the relator could not hear, and the judge asked the clerk of the court to write it upon a piece of paper, telling the

relator what the verdict was which was the only communication he received, from the time of his arrest up to the verdict, as to what was being said during his preliminary examination and during his trial. Afterwards the motion for a new trial was asked by the counsel, and argued by counsel and by State's attorney, not a word of which was communicated to the relator, and not a word of which did he hear or understand.

After the counsel on both sides had concluded their arguments, the relator saw the judge motion to him, and to the sheriff to approach the bar, and he appeared before the Court and the sheriff then, placing his mouth in close proximity to the mouthpiece of the ear trumpet, stated to him that his motion for a new trial had been overruled, and that the court wished to know if he had anything to say why sentence should not be pronounced against him. The relator having after the trial read newspapers as to the statements of witnesses, answered that there had been false swearing in the case, and thereupon the judge pronounced sentence, which was conveyed to the relator by the sheriff placing his mouth in close proximity to the mouthpiece of the eartube informing the relator that he was sentenced for life to the penitentiary. He prayed an appeal and was allowed ninety days in which to file a bill of exceptions, but the transcript of evidence alone was estimated to cost $700.00, and it was, and is absolutely impossible for him to perfect his appeal, or go up on a writ of error, under the laws of the State of Illinois.

The petition and record shows that three efforts have been made for a writ of *habeas corpus*. His honor Judge Sanborn, of the Circuit Court of the United States, read the petition and advised friends of the relator not to file it until it had been presented to the state courts. Application was made before the Superior Court of Cook County, and his Honor Judge Honore; considered the petition and practically sustained the claims of the relator, but decided, in substance, that while the judgment was void, that the indictment was still pend-

ing, and that it would not do to release him by writ of *habeas corpus*. The court and his counsel both recognized the great hardship of the defendant being tried without knowing what was being testified against him, and it is to be presumed that had they known the well settled rule of procedure for the trial of a deaf person, they would have given him the benefit of that procedure; but the fact remains that the relator was deprived of his constitutional right to face his accusers, to see and be seen, to hear and be heard.

That the court felt that an injustice had been done the relator is clear from the Court's own statement at the time the motion for a new trial was overruled. The statement is set up as an exhibit and shows that in court overruling the motion for a new trial, the judge said:

"It is to be regretted, in one sense, that the defendant on account of his infirmity is unable to know clearly what has been done. He should be informed, I suppose of the fact that his motion for a new trial has been overruled."

Mr. Sheriff—Will you bring Mr. Felts forward?

The record shows that he was asked the usual questions through the ear trumpet, and then the court before sentencing Mr. Felts, said: "Well, under the circumstances, of course, it is practically impossible for me to say anything to this defendant."

The sentence was thereupon transmitted to the defendant by the sheriff through the eartube.

(See affidavit of official stenographer.)

The points I propose to make in support of the petition for *habeas corpus*, and in support of the constitutional rights of the relator upon which I shall hereinafter cite authorities, are as follows:

1st. The relator George W. Felts was deprived of his constitutional right of being tried by due process of law.

2nd. That article VI of the constitution (of the United States) was also violated, which provides that in all criminal prosecutions the accused shall enjoy the right of a speedy and

public trial by an impartial jury, and shall be informed of the nature and cause of the accusation, and shall be confronted with the witnesses against him, etc.

3d. The trial was a violation of the constitution of the State of Illinois, which provides that the accused shall have the right to appear and defend himself in person, and by counsel. (The previous constitution of Illinois did not provide that the prisoner might defend in person, but that he should be heard. The Constitution of 1870, above quoted, provides that the accused shall have the right to appear and defend in person.)

4th. The court, when it deprived the relator, George W. Felts, of his constitutional right, lost jurisdiction, and judgment entered thereafter was void.

5th. The relator, George W. Felts, did not by his silence, waive his constitutional right to have communicated to him the evidence of the witnesses testifying against him.

6th. The relator, George W. Felts, could not by himself or by counsel after a plea of not guilty, waive his constitutional right to have communicated to him the whole proceedings of his trial.

7th. All the proceedings after the arrest of the relator, including the preliminary hearing, trial, verdict, and sentence, all merged into the judgment of the court, and all must stand or fall with the judgment.

As to the first proposition, I respectfully submit that the court is familiar with the Federal constitution and its decisions.

The constitution of the State of Illinois provides that "no person shall be deprived of life, liberty, or property without due process of law."

Section 5 provides that "the right of trial by jury, as *heretofore enjoyed shall remain inviolate.*" (that means the Common Law trial in which the accused should know every word that was said, by juror by witness by counsel for both sides, and by the judge.)

Section 9, provides that "the accused shall have the right

to appear and *defend in person,* and by counsel, and shall *meet the witnesses* face to face, etc.

Section 7 provides that "the writ of *habeas corpus* shall not be suspended *unless in case of rebellion or invasion.*"

Section 19 provides that "every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation. He ought to obtain by law, right and justice freely."

By the constitution of the state, as well as by the Federal constitution, the common law right to a trial by a jury in criminal cases is guaranteed, and "all trials for criminal offenses should be conducted *according to the Course of the Common Law.*

The first inquiry that naturally arises is, what is Common Law right of trial by jury, for a man who is suffering with the infirmity of deafness? The rules of procedure in such a case have long been established."

After a careful review of many cases both in England and the United States from the time of Lord Hale, (See Hale's Pleas of the Crown, volume 1, P. 34) which is followed by the practice since that decision, according to the precedents cited by Senator Mason, among which were Rex vs. Dyson, reported in 2 Lewin's Criminal case 64, Rex vs. Pritchard 32 Eng. Common Law, Reports 517, James Berry, Coxe's Criminal Law vol. 13, P. 189, Thompson's case, 2 Lewin, P. 137, and State vs. William Harris, 53 North Carolina Reports P. 136, or Jones Law of North Carolina vol 8, P. 28.

After an extended review of the North Carolina case, it being one of the notable ones in the United States, Senator Mason proceeded with his argument as follows:

"I have set out this case at considerable length, to show that under the Common Law, there can be no trial unless the defendant is permitted to know, and understand, the nature and purpose of the trial, and that he could not have his Common Law rights, and what were, therefore clearly his constitutional rights, unless he could hear, or have communicated

to him in some proper way the evidence of witnesses, examination of jurors, and all the details of the trial.

As to the second proposition, I respectfully submit that under the showing by the petition and affidavits that the relator never had any trial as contemplated by the article of the constitution cited.

In regard to the third proposition, I respectfully submit that at no time or place was the relator permitted to *defend himself in person,* and that the failure to communicate to him the details of the trial as it proceeded, was a denial of that right under the constitution. The Common Law rule of procedure was contained in the Ordinance of 1787, for the government of the Northwestern Territory, Art. 2: "The inhabitants of said territory shall always be entitled to the benefits of the writ of habeas corpus, and of a trial by jury, and of judicial process according to the Course of the Common Law."

The Illinois Constitution of 1818, recites its admission into the general government "*Consistent with the Constitution of the United States* and the benefits of the *acts of Congress of 1787.*"

Every State Constitution has provided for trial by jury *as heretofore enjoyed,* and the statute of Illinois provides, that trials for criminal offenses shall be conducted according to the course of the Common Law, except where the statute points out a different mode.

There can be no claim that the Illinois Legislature has ever attempted to change this procedure *even in form.*

If the court had pursued the Common Law rule of proceeding before the jury in this case, 1st. It would have determined the extent of the defendant's affliction, using a jury if necessary.

2d. If the defendant was able to read, the indictment should be handed to him, with the usual questions written upon paper.

3d The prisoner should then plead.

4th. Then he should answer, how he would be tried.

5th. The names of all the jurors should be handed to him, and the questions asked them, and their answers to the questions should each be communicated to him, and he should be asked at the close of the examination of each juror whether he objected to him, and so on till all were chosen.

6th. The Judge's notes of evidence (or transcript of stenographer) at the end of the testimony of each witness should have been transcribed and should have been given to him and he should have been asked whether *he* had any questions to ask. The verdict should be written out and handed to him. That is, he should be informed of the details of the trial as it progressed.

The Common Law form of jury trial as guaranteed by the Federal Court on 14th Amendment, as to due process, provides that the proceedings must be clearly imparted, or communicated to the prisoner—particularly the examination of the jurors, and the testimony of the witnesses who testify against him. Having never heard, nor had communicated to him the examination of the jurors, he could not ask questions, and having never heard the evidence of the witnesses against him, he could not suggest cross-examination. He was entitled to be present to "hear and to be heard" and was therefore denied a constititutional right.

Our next proposition is that, even though the court had at the beginning of the trial, full and complete jurisdiction of the offense and the person, yet when the court deprived the prisoner of any constitutional right, it lost jurisdiction, and the judgment was void.

"If the court errs in interpreting a constitutional immunity or right secured thereby, against the prisoner, or in refusing him a constitutional right, the jurisdiction over him ceases, and his acts over him are not simply erroneous, but void. "*in re* Neilson 131, U. S. p. 183, and other cases.

Suppose in the case at bar, the Illinois Legislature had passed an act for the trial of prisoners who were deaf, which in affirmative terms, prohibited the prisoner from hearing (or

knowing) the examination of jurors, and hearing, (or knowing) what the witnesses said who testified against him, and providing that the only thing necessary for the prisoner to hear (or know) would be the verdict and sentence. Clearly such act would violate the 14th Amendment as to "due process" and also because denying "equal protection."

On the contrary the Constitution and laws of Illinois provide for the adoption of the Common Law, which prescribes affirmatively, that a deaf person shall have communicated to him, the examination of jurors, etc., and no statute in Illinois has been passed abridging the Common Law right of a deaf prisoner to have the examination of jurors and witnesses translated to him, and the practice of that state is to follow that Common Law method and secure that Common Law right.

A deaf and dumb man, tried and convicted, and sentenced, before Judge McEwing, within the year had, upon the suggestion of the court not only the indictment translated to him, but through an interpreter had the examination of the jurors and all the witnesses interpreted to him. So that the treatment of Felts, in not giving him that trial not only violated the laws of Illinois, and the practice of its courts, but is totally repugnant to the 14th Amendment to the Constitution of the United States, which provides for "due process" and "equal protection." In the case at bar, there is no claim that the Illinois constitution or Legislature has ever attempted to deprive a deaf person, tried for crime, of the Common Law right to know the examination of jurors and witnesses. The contrary is true. That state provides in its constitution for such Common Law right, and the courts of that state always give a deaf prisoner that right, the only exception that I have ever heard of, is the case at bar, and pardon repetition, in this case the prisoner was deprived of one of the "natural rights of man" he was deprived of one of the rights granted to others by the laws and practice of Illinois, and therefore deprived of "due process" and "equal protection of the laws."

In the case at bar we allege and show that *due process* in

Illinois is the *Common Law process.* That it was made so by the Constitution and Statutes of Illinois, and when the Constitution provides that all criminal cases shall be tried by the rule of Common Law proceedings, except when limited by statute, and there being no statutory rule for the trial of a person who is deaf, it is the same as saying, all deaf persons shall be tried when charged with crime by the rules and proceedings of the Common Law.

There is no controversy as to the facts set up in the petition of the relator. The facts are that Felts was convicted and sentenced for life, without having heard one word of the examination of the jurors, or one word of the evidence given against him. The only part of the proceedings of which he was advised was; the verdict was written out for him and his sentence was given by the sheriff, through the ear trumpet. I respectfully claim that this was a denial of due process of law, and deprived him of his liberty without due process of law as prescribed by the Common Law and secondly, that it deprived him of the privileges and immunities granted to others in this:

1st. Every other citizen in his condition was given the Common Law right to hear or to know the examination of the jurors, and of the witnesses against him.

2nd. That the only way he could appeal or get a review in the State Supreme Court by a writ of error was to pay $700.00 necessary to write up the evidence for a Bill of Exceptions which he was absolutely unable to do.

Whereas, any other citizen possessed of $700.00 could get a hearing on his constitutional right and all other questions.

I respectfully suggest that when a state by its statutes or the court's of that state by its rules of practice, say to a prisoner your constitutional question can only be raised on an appeal at a cost of $700.00 which is possible for some and impossible for others, then the laws and practice of that state lack uniformity, and limit the privileges of the poorer classes in violation of the Federal Constitution.

This case shows that in Illinois the moneyed class may go up on appeal, and the class without money cannot and this in face of the high sounding constitution setting forth that "every person ought to obtain by law right and justice freely and *without being obliged to purchase it.*"

The warden by his counsel contends that we seek by this writ, to have it take the place of a writ of error, or appeal. We have shown why we cannot take a writ of error or appeal, and insist respectfully that *having been deprived of a constitutional right, we are not limited to a writ of error, or appeal from a void judgment.* In the twenty cases cited by the warden's counsel there is not a single case where this court has refused to grant a writ of *habeas corpus* after finding that the prisoner had been, on his trial, denied any constitutional right."

The long argument to sustain this statement together with the numerous precedents offered to prove it will be reserved for a revised edition of this book, or presented in a separate volume, to more fully show the history(meaning, and use, of the writ of *habeas corpus,* and the masterly presentation of its relation to the rights of the citizen, as set forth by Hon. W. E. Mason before the Supreme Court of the United States. In that paper will also be discussed the serious and alarming fact that the Supreme Court of the State of Illinois, refused permission for the filing of this deaf old soldier's petition for a writ of habeas corpus. President Roosevelt says in his message, the safety of the people is in publicity, so far as the acts of those who serve the people are concerned, whether they are common carriers or the agents of the people in public position.

We did not know that we had a right to go to the judge and show him in the interest of truth and justice, that the wicked rumors were untrue. We actually supposed that the judge held the honor of his office so high that we should be taken for contempt of court, if we approached him privately with the truth. Sam Jones said, he "was fool enough to

think when he first became a Methodist preacher that the Lord made the appointments," so we had the proper honor for his Honor the Judge, and we still have, and it will not be our fault if we can't keep it.

There seems to be a tendency to assume, that the old, deaf soldier should have known all about his rights under the law and the constitution and that he should have carefully instructed the court and the State's attorney how to proceed, to try him, so as to secure his rights, that they were under no obligation to see that he had a just and legal trial if he did not know what those rights were. If that were true, we should have to postpone every trial, until the citizen could have time to attend a law school long enough to learn how to try a case legally, and take time also to see that the judge and the lawyers were properly informed as to all the rights of the accused, and how to secure them.

This absurd pretense will not deceive even the most ignorant citizen. On the contrary the most careless reader of the laws of every state, and of the laws and decisions of the United States knows, that as Senator Mason argued that when the accused pleads not guilty neither he, nor his attorney, can waive his rights, and that the practice of the courts is to "consider that the prisoner is standing on all of his rights, waiving nothing on the score of irregularity."

It would be a strange thing to change the settled law, and custom of the courts, and make an exception of an old blacksmith, a deaf old soldier, who lost his hearing in the service of his country, and was taken through his trial without having any of the proceedings communicated to him while the trial was in progress, in consequence of which neglect the evidence that would have proven, that so far as he acted at all, he acted in self defense, was left out, and he never knew it till after the trial, when it was too late, and he could not have his case reviewed by the higher court because he could not furnish $700.00, to buy justice, and who was prevented by the State's attorney, from having his case reviewed, after

the friends of the old soldiers had paid an exorbitant sum for the record, and bill of exceptions for the reason that, "the method of interpretation necessary" to have this deaf old citizen understand the proceedings, "would involve great delay."

What though he was falsely accused? The valuable time of this State's attorney would be wasted. What though the constitutions of both state and nation must be set aside, and the established court practice of centuries? What was all this when the State's attorney's time was so precious? What though the life of a veteran of the Civil War was at stake on a false accusation? What though the terrible affliction of deafness was caused by the bursting of a shell over his head while defending the life of his country, and while also suffering from disease the trouble with his hearing was increased so that both ears were involved, and he was so handicapped in the subsequent struggle for life that his whole life has been one of deprivation and sorrow? What is this compared to a few hours of the State's attorney's time? Even the high priced counsel of the old soldier must be limited in time, to give plenty of time to the man who made the closing speech. The labyrinth of falsehood he had chosen instead of the straight line of truth required so much time there was none to spare for the old, deaf patriot.

CHAPTER III.

Review of the Evidence.

By W. A. Wiseman.

There are two conflicting stories in regard to the circumstances, that surrounded Spencer Post, at the time he received the wound, which resulted in his death. James Gaylord and Charles Hodges, are the authors of one of these stories, and George W. Felts a deaf old soldier who was sent to the prison for life, is the author of the other. They were the only persons present, at the time that this sad affair took place, and as their stories were diametrically opposed to each other, I have always contended that all three of them should have been arrested and kept separated from one another until all the facts, as far as it was possible, were brought to the light. Instead of this, the deaf old soldier was promptly arrested, and lodged in the jail for the night, and early the next morning he was handcuffed and hurried off to the County Jail twenty miles away although he was deaf, and broken in health, and attended by three officers, all of whom were strong men, and it is reasonable to suppose they were all armed. Why handcuff this helpless old soldier, when the Constitution of the United States plainly declares that no cruel or inhuman punishment shall be inflicted upon a prisoner, even after he is condemned? He told the officers from the very first that somebody was on him in the dark, and that if he had hurt any one, he had done it in self-defense. He was therefore to be treated as an innocent man, until he was proven guilty. The deputy sheriff who has made his reputation largely by championing the rights of birds and cats and dogs, and fowls and animals of different kinds, made a flat failure of it, when the opportunity presented itself for him to apply his humane principles to his

Brother Man. But what about Gaylord and Hodges? Were they arrested and lodged in the jail, and made to give an account of the part they took in this performance? No, they were allowed to go scot free, and associate together until the coroner's jury met to listen to their unreasonable and untruthful stories, that they had concocted no doubt, for fear of being implicated in the crime themselves. Has it ever occurred to my readers that George Felts had just as much right to be at that coroner's inquest, and tell his story, and show the jury the condition of his neck, as James Gaylord and Charles Hodges had to tell them their story? But George Felts was held behind the bars as in a vise, twenty miles away, with his neck marked and bruised and swollen from the rough treatment, he had received the night before, while that coroner's jury were listening to the false accusations of the very men who were as much interested in the outcome of the case as he was. This matter will bear investigation, and I am sure that the law-abiding citizens of Winnebago county, and of the whole State of Illinois will agree with me, when they have read the contents of this book. The story of this sad affair as told by Gaylord and Hodges, is unreasonable from start to finish. In order to understand the situation as it is, several things should be taken into consideration. In a matter that involves the life or liberty of a human being, we should not be too hasty in making up our minds. We should be willing to do a whole lot of thinking, before we come to any conclusion. It is an awful thing to condemn a man to life imprisonment, a deaf man, who pleads not guilty, and who never heard anything that the witnesses said against him in his trial. What we are trying to get at, are the facts in the case. If Gaylord and Hodges told the truth about this matter, the old man Felts ought to be punished, and I desire to put myself on record right here, that if I believed that Spencer Post came to his death in the way that they would have us believe that he did, I would not lift a finger to help get him out of the prison until I was satisfied that he had paid the penalty for his crime,

at least in a measure. Let no one think that I am trying to get this deaf old soldier out of the prison, simply because he is my wife's brother. My efforts in his behalf have sprung from an entirely different motive than that. I am trying to get him out, because I do not believe he is guilty of the crime charged against him. I have read all the evidence in the case, and have studied all the circumstances bearing on the subject, and to me the story of the death of Post, as told by Gaylord and Hodges is unreasonable, from start to finish and I am frank to say that I do not believe one word of it. I believe that George Felts is suffering an unjust penalty. I don't believe that he had any thought of killing any one when he left his home, and went up town that dreadful night. I believe that some one had him by the neck in the dark, and that he did not know who it was, and that he became frightened, and undertook to defend himself, with no thought of killing any one. With these general remarks before my readers, I will now ask you to patiently examine the evidence with me, and see if you don't come to the same conclusion that I have. In considering testimony, there are three things to study. First the character of the witnesses, second, what these witnesses say, and third, the circumstances connected with the whole case. It is not my purpose to do these witnesses any injustice, but like every one else they must stand on their merits.

As to James Gaylord the record says nothing about his character so we shall proceed at once to consider his evidence. I have before me the certified Court Record as I write, which includes everything that was said on the witness stand in the trial that I am now reviewing. When this witness was before the coroner's jury, he testified as follows. "Felts in walking past me, before passing Post, did not strike me in any way. He walked around me to the best of my knowledge." In the regular trial he was asked this question. "What did he do, if anything as he came along?" Ans. "I didn't see him do nothing, as he came along he hit my foot." Then he was

asked "Did he hit it hard?" Ans. "He run into it." The reader will see that in these two statements, this witness testified one way before the coroner's jury, and directly the opposite in the regular trial. Is such a witness to be believed when we are dealing with a man's life and liberty? Does he not discredit himself? On another very material point he is discredited by two witnesses. In the regular trial he was asked this question. "Now from the time that Post got down onto the sidewalk, after he was bleeding, until he crawled around the corner, you were there beside him or near him all the time?" Ans. "I was until he crawled around the corner."

The question was then asked "Did you leave that place at any time, until after he crawled around the corner?" Ans. "No, sir." Two of the witnesses who made depositions, that were submitted to the Board of Pardons, testified that they passed the Davis saloon corner, near the hour of midnight, on the evening of August 6th A. D. 1904, and that there was a man lying on the sidewalk, in front of the saloon bleeding profusely, and that they learned soon afterwards that he was Spencer Post. They testified, that they were within about three feet of the wounded man as they passed him, and that there was no one with him, or near him. On direct examination, they were asked, "Did you look to see if there was any one with him?" To which they answered, "Yes sir." On cross-examination they were asked the following question. "Could you have seen any one if he had been there?" Ans. "Yes sir." These two witnesses testify positively, that the wounded man was lying there on the sidewalk all alone. As we have already shown, Gaylord testified in the regular trial, that he never left Post from the time he was stabbed, until after he crawled around the corner, and now, we have proven by two witnesses, according to the record before the Board of Pardons, that he was not present when they saw Post lying in front of the saloon as they passed by him, on their way home from the dance. Why does Gaylord tell us that he was present with Post, all the time, until after he crawled around the corner,

when he was not? Does not that kind of evidence look mighty suspicious, to a person who is seeking after the truth? Where was Gaylord, when these two witnesses passed by there that night? I wonder if he and Hodges could have been off together somewhere, making up their unreasonable story, with which to deceive the people? Let us notice Gaylord's testimony as he gave it in the regular trial. He says, he was sitting in a chair, in front of the Davis saloon, in Durand, Illinois, near the hour of midnight, August 6, A. D. 1904. He says Charles Hodges was sitting on a chair directly south of him, anywhere from two to six feet away. And that Spencer Post, the man who was killed, was standing up directly north of him, leaning against the saloon building, and close enough to him, that his shoulder touched him. Gaylord says that his chair was tilted back, and that he was resting his head against the saloon building, and that his left leg was thrown across his right leg and that one foot was sticking out somewhere near the middle of the sidewalk, which was about eight feet wide. He says Felts came up from the south, passed by them, and went on north. In the regular trial Gaylord says, that he was looking straight at Felts, when the old man ran against his foot. Then he says he lost sight of him, and didn't see anything more of him, until he was in front of the door of the second building north of him, which was about fifty feet away. Meantime Spencer Post had been stabbed, but Gaylord did not see it done, although Felts would have had to walk around him in order to get close enough to Post, so that he might be able to inflict the wound. If Gaylord was looking at Felts when he ran against his foot, why should he not see him as he walked around him to commit this awful deed? The reason that Gaylord failed to see him do it is, the thing never was done that way. Then he tells us that Post stood there like a statue, after he was stabbed. That he never moved a muscle, and never spoke a word until Felts had walked some distance away. That kind of evidence is not worthy of consideration. It is not true to nature. The whole scene is unreal, when a murder is being

committed. No angry words, no resistance on the part of the deceased. The whole thing so quiet and tame, and uninteresting that Gaylord did not even know it was done, until the murderer had leisurely walked away. The testimony of Charles Hodges differed from that of James Gaylord in that he pretended to see Felts make some kind of a motion, after he ran against Gaylord's foot, that he described as dropping his shoulder, and bunting Post, and then walking on. You will observe at once that Hodges is the chief witness, so far as the evidence in this case is concerned. Gaylord did not see Felts assault Post in any way, shape or manner. Hodges did not see any knife, but he thought Felts must have stabbed Post when he bunted into him, as he passed by. Charles Hodges has such a bad reputation for truth and veracity, that it seems monstrous that this deaf old patriot, who was never known to do a deed of violence, even to those who provoked and worried him, should have his liberty taken from him, through the testimony of such a person. Not long after the preliminary trial, he had a conversation with a gentleman in regard to this matter. This man made a deposition that was presented to the Board of Pardons in which he says " We were in the cornfield near Durand, Illinois, and I asked Hodges how this thing was. He replied, Oh God, we don't any of us know how it was. We were all so drunk, that we didn't any of us know what happened." Five months later, Hodges testified in the regular trial as follows, " Why he just kind of went in back, kind of around Gaylord and walked, took a step sideways, right side, and bunted Mr. Post and walked on. " Now when did Hodges tell the truth, when he told this witness a short time after the sad occurrence took place, that they were all so drunk, that they didn't any of them know what happened, or five months later, when he sat there in the witness chair, and told the jury how it was done." It is worthy of note that the further away, in point of time Hodges gets from the tragedy the more he seems to know about it. His testimony in the regular trial was much stronger than it was at the preliminary hearing, or the

coroner's inquest. All this witness needs is time enough, and he will be able to clear up the whole mystery. The record shows that four reputable persons testified in the trial, that they knew Charles Hodges to have a bad reputation for truth and veracity, and that they would not believe him under oath. Six others testified either that Hodges had a bad reputation for truth and veracity, or that his reputation was not good. Another witness when asked in regard to his reputation, said that it was a little shaky. Another said that under certain conditions it was bad. Two of the persons who swore that Hodges had a good reputation for truth and veracity, had already signed a statement that his reputation was bad. Four of the witnesses who testified would not commit themselves as to the good or bad reputation of Hodges. Four witnesses who testified that Hodges reputation was good, admitted on cross-examination that they had never heard his reputation for truth and veracity discussed. The question naturally arises, if these witnesses had never heard his reputation for truth and veracity discussed, how did they know that it was good? One witness who testified that his reputation was good, admitted that he had never heard it discussed., except in his own family. Four others who testified that Hodges reputation for truth and veracity was all right, admitted that they had heard that he would lie. As soon as the trial was over, with the sad result that the deaf old soldier was sent to the prison for life, a good many people came to us and said they did not suppose that any one would believe this man's testimony, and expressed regret that they had not told what they knew about him, and some of them wrote to the Board of Pardons afterwards, and told them what they thought of Hodges' truth and veracity in general, and also what they thought of his testimony, in this particular case. Then some people in Iowa found out that the testimony of Charlie Hodges as they called him, had sent a deaf old soldier to the prison for life, and they wanted us to know that he had a very bad reputation among the people who knew him, where he had formerly lived, at Cherokee in that state. They told

us that some woman had filled his neck with buck shot, for fooling around, where he had no business. I insist upon it, that it would be risky to send a deaf man to the prison for life, who had been taken through his trial, without having any of the proceedings communicated to him, while the trial was in progress, even on the testimony of a representative citizen. But when it depends on the evidence of Charles Hodges to send a man to prison, who has never been arrested before, and who pleads not guilty, we ought to be very careful. Let us use a little common sense in considering this case, and we will at once see the unreasonableness, and untruthfulness of this man's story. Spencer Post was a very powerful man. He was six feet tall, and weighed two hundred and forty pounds. He was an athlete, and only forty-two years of age. I have been told that there was not a stronger man in Winnebago County. George Felts was old, and weighed one hundred and fifty-seven pounds, and was completely broken in health, so that he had been unable for several years, to do any hard work. He was a constant sufferer from heart trouble, and rheumatism. The least excitement, rendered him almost helpless. Do you believe that an infirm old man, like George Felts, if he were in his right mind, would have dared to attack a great giant like Post, with no weapon but his little jack knife, and then strike him in the lower part of the body? He didn't know where that artery was located, and if he did, he could not have hit it in the dark, and if he had missed it, he would not have hurt Post very much, and then Post would have been on him as quick as a cat, and would have crushed the life out of him. If Felts wanted to kill Post, why didn't he get a revolver, and blow his brains out? Or a big knife, and then strike for his heart or his throat? It is as plain as can be, that Felts never intended to kill Post. The State's attorney has finally got around to the point where he is willing to admit this fact. It has taken him a long time to reach the conclusion, but the old saying is, "Better late than never." In his recent statement to the Board of Pardons, he says, "Perhaps he

never intended to kill Post. I could readily assent to that proposition; but he did intend to strike him." If Felts knew who Post was, he would not have dared to attack him, in the manner that Hodges would have us believe he did, and if he did not know who he was, why should he attack him at all? If we accept the story of Gaylord and Hodges as true, then we place ourselves in the predicament of charging a great crime on a man, who had no motive whatever, so far as we can find out, in committing it. Post and Felts had always been on the friendliest terms with each other, and were right up to the time that Post lost his life. In his opening statement, at the beginning of the trial, the State's attorney said that he would prove by William Rupnow, that there had been trouble between the two men, a short time before the sad occurrence that night, when Post lost his life, and he declared that this was the motive for the crime charged in the indictment. At the proper time he placed Mr. Rupnow on the witness stand, and to my great surprise, he testified that he had never known of any trouble between these two men, but on the contrary, so far as he knew, they had always been the best of friends. And so the motive for this so called murder was gone. Everybody knows, that without a motive there can be no murder. The State's attorney knew this, and so like the proverbial drowning man at sea, he began "grabbing for straws." His theory seemed to be, that anything would beat nothing, and so during the course of the trial, one of the witnesses, in telling of a conversation that took place between Felts and Gaylord through the eartube, as the deaf old soldier was on his way home, nearly an hour before the tragedy, happened to remark that Post interfered with their talk by taking the eartube in his own hand, and playfully saying, "I want to talk to you George." Felts replied, "No I want to talk business with Jim." Post in a sportive good natured way insisted on joining in the conversation through the eartube, and Felts said to him, "No you are drinking Spencer, I'll talk with you in the morning." According to the witness in question, all joined in the laugh but Felts, and no

doubt he would have joined in it too, if he had not been so deaf that he could not understand all that was said, and consequently could see nothing particular to laugh about. This witness went on to say, that Felts got mad and went home, when he found he could not talk with Gaylord alone. He has since explained that he never meant that he was violently mad, or anything of that kind, but rather that he got out of patience, as we would call it, just as he had been many a time before on the streets of Durand, when his friends had teased him about one thing or another, because he was deaf. The matter was of such small moment that James Gaylord, the man with whom Felts was talking, when Post took the eartube away from them, had forgotten all about it at the time of the trial. And Felts said that he meant exactly what he said. He knew that Post had been drinking, and that it would be better for him to see him, and talk with him the next morning, and so he went down home never dreaming that anything further would ever come of this trifling little incident. It might be well to mention in this connection, that while there were several persons present at the time that Post and Felts had this last interview, only a short time before Post was killed, not one of them except the witness already referred to, ever intimated that Felts was even out of humor, when he left them to go on down to his house. But here is an opportunity for the State's attorney to manufacture a motive, and if he can get the people to believe it, he will be able to fasten the crime of murder upon this innocent old deaf man. He draws on his imagination, and works up a great case. But the trouble with his theory is, that he does not have one word of evidence to back up what he says. He told the jury that Felts went down home, and sat on his porch, and thought the whole matter over, how Post had abused him, in not allowing him to talk freely, and unmolested, with Gaylord, and that as he revolved it over and over in his mind, he got madder and madder, until finally he became so enraged over the affair that he could not stand it any longer, and so he went back up town and plunged his knife into Post. If

all this were true, why did he go armed with nothing but a little pocket knife? Why did he strike him in the lower part of the body? Why didn't he strike him more than once? Why did he go up immediately and report to the town marshal, that some fellows down on the corner had intercepted him, and would not let him pass? Is that the way a murderer does, when he commits a crime in the presence of witnesses? We all know that it is not. If George Felts had killed Spencer Post as Charles Hodges, and the State's attorney would have us believe he did, he would have given the City Marshal and all the rest of the officers as wide a berth as possible. Felts himself is the only witness, who had anything to say in regard to his actions that night, after he left the men on the corner and started for his home. He says he went down and sat on his porch awhile, and then went to the Opera House a few moments where a dance was in progress, and then returned to his porch again, and sat there awhile longer, until he saw some men on a cross-walk up town, between him and a popcorn light in the north end of the village. He had been looking around all the evening for three men who had promised to haul wood for him the next day, but up to this time he had not been able to find but one of them, and it occurred to him that these men on the cross-walk up town, might be the men in question. So he started up town to see who they were, and on his way, got into the trouble that resulted in his being sent to prison for life. This is Felt's version of it in brief, as he told it on the witness stand. But no, says the State's attorney, he went up town to kill Post. I mean that is what he said at the time of the trial. He has modified his opinion now, until as I have already said, that in his statement to the Board of Pardons, he says " Perhaps he never intended to kill Post. I could readily assent to that proposition, but he certainly did intend to strike him." Give him time enough, and he will finally come around and see the whole situation as it appears to nearly every thoughtful man and woman who has investigated it, a sad accident, very much to be regretted by everybody.

brought on by a misapprehension of the situation, on account of the old man's deafness, and his inability to see because of his defective sight, and the darkness of the night, there being no moon, and no lights on the streets, so he could not possibly know who his assailants were, and consequently mistook their rought sport, for a serious hold-up, and tried to defend himself accordingly, with the result that one of his best friends accidentally got killed. Why should Felts suppose that Post was still in front of the Davis saloon when he started up town? It had been nearly an hour since he left him up there, and went to his own home. The lights in the saloon had been put out, and it was drawing near the hour of midnight, and he would naturally suppose, if he thought anything about it at all, that Post had gone home, or at least removed from that place. I have studied the court record over, again and again, with the view of finding the motive for this so called murder if there was any and I was present and heard every word of the trial, and the only place that I found any motive for the crime charged in the indictment, was in the imagination of the State's attorney, as set forth in his closing speech, before the jury. The whole thing was a fabrication. There was no evidence to warrant it. The idea of dragging in a motive, where nothing of the kind appeared in the evidence, is contrary to law, and is in opposition to the established court practice of every civilized nation under the sun. Judge Frost in his statement to the Board of Pardons says, "There was no apparent motive for the commission of so great a crime." If no motive was apparent, we have no right to conclude that there *was* any motive. And if there was no motive, then there was no murder. And if there was no murder, I would like to know why this deaf old soldier was charged with it, and accused of it by the State's attorney, and slandered by him in his closing speech. It was all the worse too, when it is understood that he was not only so deaf that he could not hear one word that this arrogant young attorney said against him, but he had not heard one

word of all that the witnesses testified against him during the trial. And the State's atorney considers that he won a great triumph, when he succeeded in fastening the crime of murder, on this deaf old soldier, and he seems to think that he is still adding laurels to his crown, by trying to keep this helpless old man in the prison, against the wishes, and the honest efforts of thousands of as loyal and patriotic people as there are in Winnebago County or anywhere else. "Truth crushed to earth, shall rise again." When the facts in this case are fully brought out, and are understood by the people, George Felts will not be thought of, or spoken of as a murderer, but as the victim of unfortunate circumstances, and fair minded people everywhere will be sorry for him, and the glory that the State's attorney got out of the imprisonment of this deaf old soldier, who was taken through his trial without having any of the proceedings communicated to him as the trial progressed, will have passed away. I have very briefly called your attention to the story of Gaylord and Hodges, and pointed out the unreasonableness of it. I will now direct your attention to the story of George Felts, concerning this sad affair, and believe if you will examine it carefully, as I have done, that you will agree with me, that it is altogether reasonable, and if it is, then this old man is suffering an unjust penalty. Felts says he went up town on a legitimate errand, near the hour of midnight, August 6th 1904, and that as he passed the Davis saloon corner, he was intercepted by some men, who, no doubt intended to have fun at his expense. He says it was so dark, that he did not know who any of them were. And as there was no moon that night, and no lights in the streets, and the old man's eyes are defective, we can readily believe his statement. Everybody who is acquainted with him, knows that he is so deaf, that he could not hear anything these men might have been saying. He says as he stepped on the sidewalk, in front of the Davis saloon, he ran against someone. This was probably Charles Hodges, but if it was, he was not sitting down in a chair, doing nothing, as he would have us

believe, but was standing up squarely in the old man's way. He says he went a little further, and ran against somebody's foot. Gaylord says that was his foot. I have no doubt that is true. Neither do I doubt that Gaylord had his foot stuck out there, to trip the old man up as he came along. Felts says that when he ran against that foot, instead of going around it, and taking a step to the east toward Post, he angled off toward the northwest, and that he had gone only a short distance, when some one grabbed him by the back of the neck, and suddenly bent him forward, almost double. He says that he tried to get loose, but that his assailant was so big, and strong, that he could not do it. He says the man shoved his thumb and fingers right down into the chords and muscles of his neck, until he thought sure he would break his neck. He says that just then another man came up to his back, and he became very much frightened, and thought it was a regular hold-up. He took his knife and tried to reach the man's hand where he was griping his neck, but owing to the position, in which the man held him, he could not reach his hand. Then he tried to prick his leg, to make him let go of his neck. He says, when he struck at his assailant's leg, he had no idea who the man was, and that he had no thought of killing him. He says that he held the blade of the knife, between his thumb and finger, about an inch from the point, when he struck at the man's leg, and that he felt no resistance, and did not know that he touched his assailant, and that he don't believe he did. All this talk about his admitting to the officers, and others, that he had stabbed Post, was after the officers had told him that Post was cut, and that he said Felts did it. He knew that some one was on him in the dark, but he did not know who he was, until the officers came to arrest him, and told him. He has always said if he had known it was Post, who had him by the neck, he would not have been frightened so badly, and tried so hard to get loose, that he almost broke his neck. Everybody knows that a deaf person is much more easily frightened. than one who can hear. Felts could neither see nor hear, as

he struggled with the man there in the dark. He was non-sane, so far as these two great senses were concerned, and should be treated accordingly. No man can be held responsible beyond his capacity to know, at the time that he commits an act. I am afraid that this self-evident principle, has been overlooked, at least in a measure, in considering this case. Felts goes on to say, that just as he struck back at the man's leg with his knife, the man came under him with his knee, and gave him a shove forward, that caused him to run about ten feet before he could stop. My own opinion has always been, that the man rammed the knife himself, when he gave Felts that shove. Felts says, as soon as he could stop, after he received this shove, he turned around, and in the darkness, he could see two men struggling with each other, but that he did not know what they were doing, and he did not know that anyone had been hurt but himself. This may have been Gaylord or Hodges trying to get Post away, after he had received the knife thrust.

In considering the story that George Felts tells us, in regard to the circumstances that surrounded the death of Spencer Post, it should be borne in mind, that he has always had the reputation of being a truthful man. A great many have written letters to the Board of Pardons, in regard to this matter. One of them who has lived in Durand all his life until recently, but now lives in Rockford, in speaking of him says, "I have known George Felts, ever since his boyhood, and know that he was a peaceable, law-abiding citizen, and an industrious, honest, and truthful man." Another one says, "I have known George Felts ever since we were boys together, and I know him to be a truthful man." Another one says, "I have known George Felts for twenty-five years, and I have always found him to be a truthful man." Another one who was until recently a resident of Durand, but now of Rockford, says, "I have been acquainted with George Felts for thirty-five years. He was well known to be an honest man, and truthful in all his dealings. I believe his statement that some one had

him by the neck in the dark." Another leading citizen of Rockford says, "I have been personally acquainted with George W. Felts, since 1862, and I know him to be a truthful man, and believe his statement." A great many such letters have been submitted to the Board of Pardons, showing conclusively, that George Felts has a good reputation for truth and veracity, among those who know him. His reputation among the business men of Rockford, where he purchased his blacksmithing materials, was all right, for he always kept his word. The store keepers of Durand were always ready to trust him. The very night that this trouble occurred, this same miserable Hodges went to him with a poor mouth, and the old man took pity on him, and allowed him to purchase fifty cents worth of groceries, and charge the bill to his account, and Felts paid it after he was sent to jail, on the false swearing of the very man whom he had accommodated. George Felts is a truthful man. I have gone over the details of the trial with him carefully, many times, since he has been in prison, and believe that he tells the truth about what happened the night of the trouble. When we take into consideration, not only that Felts is a truthful man, but that his neck was marked and bruised and swollen, when he entered the jail, his story at once, becomes altogether reasonable, and I don't see how any intelligent, unprejudiced person, can doubt for one moment the truthfulness of what he says. Some one made those marks on his neck. Some one bruised his neck. The injury was too severe for him to have done it himself, and besides, some one was with him all the time after he was arrested. Charles Williams says, in his deposition to the Board of Pardons, that he examined his neck carefully, soon after he entered the jail, and that there were finger nail marks on it, deep enough to draw blood, and that these marks remained there for about a week and a half. And that his neck was swollen for about a month. On direct examination, he was asked, "Did you notice the condition of his neck, soon after he was placed in the jail?" Ans. "Yes sir." Then he was asked "What was

that condition?" Ans. "His neck was swollen, bruised, and inflamed." The following question was then asked him. "Did you notice any mark on his neck?" Ans. "Yes sir." On cross-examination he was asked, "Did you examine closely the neck of Felts?" Ans. "Yes sir." Next he was asked, "How badly was it swollen?" Ans. "Well it was swollen pretty bad." Then he was asked this question. "You say it looked as if some one had attacked him with their hands?" Ans. "Yes sir." Then he was asked "What gave you that impression?" Ans. "The looks of the marks on his neck." He was then asked "What were those marks?" Ans. "They were finger nail marks." Next he was asked, "Did the finger nails cut through the, skin and if so how deep?" Ans. "Yes sir, deep enough to draw blood." He was then asked, "How long did those marks remain there ?" Ans. "About a week and a half." Then he was asked, "How long did the neck remain swollen?" Ans. "The neck was swollen for about a month." Charlie Williams saw Felts when he was first put in the jail, and Felts had not been alone up to that time since his arrest. Matilda Fletcher Wiseman in her deposition corroborates the testimony of Charles Williams in every particular, in regard to the condition of George Felts' neck. She saw her brother the morning of the third day, after he was placed in the jail and five or six times within the next week. She says there were marks and bruises on his neck, and that it was swollen, and looked red and inflamed. George Snow testified in his deposition, that he saw Felts as soon as he entered the jail, and that he held his head and neck in a stiff position, and that he complained "quite a bit about it," and said it was sore. Aaron Sarver says, "I visited George W. Felts, the third day after he was placed in the jail at Rockford, Illinois, charged with the killing of Spencer Post. I have known him intimately for a great many years, and worked in the same shop with him part of the time. As soon as I saw him in jail, I saw that he held his head and neck in a stiff and unnatural position. He could not turn his neck without turning his whole body. I talked with him through his eartube, and asked him what was the trouble with his neck,

and he told me that they hurt him, at the time that Spencer Post is supposed to have been cut, on the streets of Durand. He told me they nearly broke his neck. I know him to be a truthful man, and I believe his statement. I am satisfied that he had been treated in a very rough way by some one."

Mrs. Florence Sarver says, " I saw George W. Felts a few days after he was placed in the County jail, at Rockford Illinois, to await his trial for the killing of Spencer Post. He seemed to be suffering from a sprained neck. My husband asked him what was the matter with his neck and he told him that they hurt it, the night of the trouble already referred to There was something the matter with him. He held his head and neck in a different manner from what I had ever seen him before, and I have known him all my life. I never knew him to have rheumatism in his neck. He suffered with it a great deal in his hands and lower limbs. I know him to be a truthful man, and believe his statement, that some one had him by the neck in the dark."

" Eva Williams says, I saw George W. Felts the second or third day after he was placed in the County jail at Rockford Illinois, August, 1904. He appeared to be suffering from a sprained neck. He held his head and neck in a stiff and unnatural position. My brother told me that he had examined the neck of the said George W. Felts, and that there were marks and bruises on it, and every indication that he had been assaulted as he claimed. I did not talk with Mr. Felts as he is deaf, and I was not accustomed to talking through an eartube. My brother talked with him freely, and from his appearance, I believe his story, that he had been roughly handled by some one, as he said on the witness stand." Henry Howe says, " I called in company with Mr. E. R. Rowley, on George W. Felts, the next morning after the said George W. Felts was placed in the County jail, at Rockford Illinois, charged with the killing of Spencer Post. I talked with him through his eartube in the presence of the sheriff and Mr. Rowley. We talked as old acquaintances, and nothing was said in regard to

the trouble that had brought him there. I noticed that he held his head and neck, in what appeared to me, an unnatural position. I afterwards remarked to others, in regard to his appearance, at that time. I knew nothing about the circumstances surrounding the death of Spencer Post, and therefore did not say anything to him in regard to the way he held his head."

"James Williams says, "I have known George W. Felts for the last twenty-five years. I saw him the next morning after he was placed in the county jail at Rockford Illinois, charged with the killing of Spencer Post. I also saw him nearly every day for weeks thereafter. He held his head and neck, in a stiff and unnatural position, different from what I ever saw him before. There was every indication that his neck was injured in some way. After hearing his statement, that some one had him by the neck in the dark, at the time that Spencer Post is supposed to have been killed, I was satisfied from what I had seen, that his story is true." E. R. Rowley says, "The next day after George W. Felts was placed in the County jail, at Rockford Illinois, I called on him in company with Mr. Henry Howe. I noticed that the said George W. Felts held his head and neck in a stiff and unnatural position. At the time I did not know the cause of it, but after hearing of the scuffle at Durand, at the time of the killing of Spencer Post, I could easily account for it, as it appeared to me he had been very roughly handled."

Mrs. A. Williams says, "I saw George W. Felts the next morning after he was placed in the county jail, at Rockford Illinois, August 7th A. D. 1904. I also saw him nearly every day for several weeks following. I noticed from the first time I saw him, that he appeared to be suffering from a sprained neck. He held his head and neck in a stiff and unnatural position, and looked as though he had been roughly handled in some way. I believe from his appearance that some one had him by the neck, as he says, the night that Spencer Post was killed."

Mrs. Hattie Collins says, " I have known George W. Felts all my life. I visited him the second or third day after he was placed in the County jail, at Rockford Illinois, in August 1904. He held his head and neck in a stiff and unnatural position, different from what I had ever seen him before. He seemed to be suffering from a sprained neck. I asked him how he felt, and he replied, that the back of his head hurt him very bad. I asked him if he was guilty of what he had been accused, and he answered, they say I did it, but if I did, I did not know it."

R. K. Welsh says, " It is true that when I first saw George after he was in jail, his neck looked as though it had been bruised." Now I claim that George Felts' story is not only reasonable, but that when we take into consideration that his neck was marked and bruised and swollen, when he entered the jail, that it is conclusive.

If the evidence about the condition of Felt's neck had been given to the jury, as he supposed it had, there is every reason to believe that he would have been acquitted. I showed a copy of this new evidence that was submitted to the Board of Pardons, to one of the jurors a short time ago, and as soon as he read it he said " That looks like self-defense." I said to him, "What would you have done, if this evidence had been produced in the regular trial?" And he answered immediately, " I would have voted for acquittal." " I said would you be willing to write that to the governor?" He said " Of course I would, I don't want a man to stay in prison, unless he is guilty." So he wrote to the governor and said, that if this evidence had been offered in the regular trial, he would have considered that Felts acted in self defense, and would have voted for acquittal. So did several more of the jurors; others of them, wrote to the governor, expressing regret that this evidence had been omitted in the trial court, and asked the governor to pardon him; and so it is established beyond the peradventure of a doubt, that this old man was sent to the prison because he is deaf, and not because he is guilty

of the crime charged. Not being able to hear what was said in the trial, he supposed of course, that the evidence about the condition of his neck, went to the jury, and never knew that it did not, until after he was sent to the prison. When he did finally find it out, he was very much excited, and grieved, and actually wept over it. Do you blame me for making a fuss about the trial and imprisonment of this helpless old man? I am not fighting simply to beat the State's attorney, but to show the people of Winnebago County, and the people of the State of Illinois that this old soldier has been shamefully wronged, by being branded and punished as a murderer, when he simply defended himself against three men in the dark, not knowing who they were, and with no intention of seriously harming any one, and no one regrets the death of Spencer Post more than he does, as they had always been on the friendliest terms with each other, and it will be a real sorrow to him as long as he lives, whether he gets out of the prison or not. The question very naturally arises why this important evidence, that would have corroborated Felts' own testimony, as he gave it on the witness stand as they questioned him through the ear-tube, was not brought forward in the regular trial. His attorney, knew about it, but thought everybody believed the old man's story. So far as the writer is concerned, he did not know very much about it himself, at the time of the trial, as he had been compelled to give his time and thought and energy to another very important matter in which he was very much interested. My youngest son, who at that time was unmarried and lived at home with Mrs. Wiseman and myself, was taken down with typhoid fever, and I don't think any one ever was much lower with it than he was, who survived, and for three months I did everything I could for him, both night and day. Right then was when the evidence in this case should have been worked up. I depended on others to do this work, particularly, the prisoner's brother A. M. Felts who lives at Fort Dodge, Iowa, but he got sick at the wrong time, and a law suit of his own, in which he was interested to the amount of

several thousand dollars came on and was tried at the same time in Fort Dodge, Iowa, that his brother was on trial in Rockford; he was therefore unable to render the assistance that we had a right to expect from him. It is due the attorney for the defense that I should mention in this connection that A. M. Felts and myself had promised to assist in working up the evidence, and our failure to make that promise good, for the reasons already stated, accounts for the fact, that we now have a great deal more testimony bearing on this subject, than we could have produced at the time of the trial. I did not get to Rockford until a few days before the trial, and was not feeling well on account of loss of sleep, and exhaustion, due to the long illness of my son, and the weather was extremely cold, and I had never had any experience in such matters before. In addition to all this his attorney had cautioned the old man not to talk about his case with any one.

Now with this defendant, who has the reputation of being a truthful man, testifying that some unknown person assaulted him as he passed the Davis saloon corner that dreadful night, and nearly broke his neck, and with the testimony of three witnesses, that his neck was marked and bruised and swollen when they first saw him soon after he was placed in the jail, and the testimony of nine others, who testify that Felts held his head and neck in a stiff and unnatural position, and that he seemed to be suffering from a sprained neck, and that there was every indication that he had been roughly handled in some way, I want my readers to apply the law in this case, as it is set forth in the very clear and able presentation of the judge in his instructions to the jury, at the time of the trial. I cannot give the necessary space to include all the instructions, but will give enough so that you will be able to see, that if the law of self defense is applied to the new evidence, which fully corroborates Felts' own testimony, then this deaf old man is not only innocent of any intentional crime, in the eyes of the law, but, for two years, he has been suffering an unjust penalty,

and since the new evidence has been brought forward, he is suffering that unjust penalty contrary to law.

The following are a part of the judge's instructions to the jury as taken from the court record, which I have before me.

The defendant in this case, is entitled to every presumption of innocence, compatible with the evidence in this case, and you are instructed, that if it is possible to account for, or explain the commission of the alleged crime upon any reasonable theory, other than that of the guilt of the defendant, then it is your duty to so account for it, and find the defendant not guilty.

The court instructs you that one of the elements of the crime of murder is malice aforethought, either expressed or implied, and in this case, if after a consideration of all the evidence in the case, there remains in your minds a reasonable doubt, as to whether or not any malice, either expressed or implied, was in the mind of George Felts, at the time, or prior to the time, when Spencer Post was stabbed, then it will be your positive duty to acquit the defendant of the charge of murder.

You are further instructed, that mere probabilities of guilt, are not sufficient to warrant conviction, nor is it sufficient, that the greater weight or preponderance of the evidence, sustains the indictment, nor that upon the doctrine of chances, it is more probable than not, that the defendant is guilty. In order to warrant a conviction of the defendant, it is absolutely necessary, that he must be proved to be guilty, so clearly and conclusively, that there is no reasonable theory upon which he can be innocent, and so clearly and conclusively, that no reasonable doubt is left in your minds, upon the question of his guilt. If, after taking all the evidence in the case into consideration, such proof is not made, the defendant should be acquitted.

The court instructs you that you must have convincing proof, of the guilt of the defendant, before you should find him guilty. If there is any reasonable hypothesis or theory,

such as the right of self defense consistent with the evidence in this case, upon which he may be innocent, then your duty is to find him not guilty.

The court instructs you, that if you believe from the evidence in this case, that the defendant bore no ill will toward the deceased, and that the defendant and deceased were friends, and on good terms, and if you further believe from the evidence, that the defendant had no motive for committing the crime with which he is charged, then in arriving at your verdict, you should take these facts into consideration, in connection with all the other evidence in the case.

The court instructs you, that under the evidence in this case, the fact that Post was killed on the evening in question, is not in and of itself, evidence or proof, that the defendant Felts is guilty of murder. The defendant pleads as a defense in this case, that Post received the cut while he, the defendant, was exercising the right which the law gives him, to defend himself from an assault made by Post upon him. Under such circumstance, the fact that Post was killed, is not, and should not be considered by you, as proof in and of itself, that the defendant is guilty of murder. You should take into consideration, all of the evidence in the case, and if after a careful consideration of it, there remains in your minds a reasonable doubt, on the proposition, as to whether or not the defendant Felts, with malice aforethought, either express or implied, killed the deceased Post, then you should acquit him of the charge of murder.

If the jury believe from the evidence, that the defendant, Felts, was assaulted by the deceased, Post, in such a way, as to induce in the defendant, a reasonable and well grounded belief, that he, the defendant, was actually in danger of suffering bodily harm, then he was justified in defending himself, whether the danger was real or only apparent. Actual or positive danger is not indispensable to justify self defense. The law considers that men when threatened with danger, are obliged to judge from appearances, and determine therefrom,

as to the actual state of things then surrounding them. And in such cases, if persons act from honest convictions, induced by reasonable evidence, taking all the circumstances then surrounding them into consideration, they will not be held responsible criminally, for a mistake, as to the extent of the actual danger.

The court instructs you, that in considering the question of whether or not the killing of Post was justified, on the ground of self defense, you should take into consideration, all the facts and circumstances, shown in the evidence, including the conduct of the parties at the time, and shortly prior thereto; the difference in strength, physical condition, age and surroundings of the defendant and the deceased, and if after a consideration of all the evidence in the case, there is, or remains in your minds a reasonable doubt, as to whether Felts, at the time of the cutting, was under reasonable apprehension, that the deceased, Spencer Post intended to inflict upon him, the defendant, serious bodily injury, and that he, the defendant, used his knife, as claimed by him, in self defense, and that in some way, while he was so defending himself, the said Post was fatally cut, then it will be your duty to acquit the defendant.

The court instructs you, that if you believe from the evidence, that at the time the defendant, Felts, is alleged to have stabbed the deceased Spencer Post, the circumstances then surrounding the defendant, were such as in sound reason, would justify, or induce in his mind honest belief, that he was in danger of receiving from the deceased, some serious or great bodily harm or injury, and that the defendant in doing what he then did, was acting from the instinct of self defense or preservation, then he is not guilty, although there may in fact, have been no real or actual danger.

The court further instructs you, that the defendant, George Felts, at the time in question, had an absolute and unconditional right, to be upon, and go along the sidewalk, in front of the Davis saloon, without being assaulted. And if

you believe from all the evidence in this case, that while he was passing along said sidewalk, in front of said saloon, in pursuit of his own affairs, he was suddenly, and without notice to him, assaulted by the deceased, in such a way, as to induce in him, the defendant, a reasonable and honest belief, that he was in danger of suffering great or serious bodily harm, then, while acting under the influence of such belief, or apprehension, he was justified in repelling force by force, and in defending himself in such a manner, as he honestly believed was necessary, under all the circumstances, then surrounding him, as shown by the evidence, and that this is true, whether the danger was real, or only apparent. If you believe from the evidence, that the deceased Post was killed under such circumstances, then the defendant Felts is not guilty of murder, and you should so find by your verdict.

The court further instructs you, that if you believe from the evidence that Post assaulted the defendant Felts, as claimed by Felts in his testimony, and that such assault was made in such a way, as to induce in Felts a reasonable, and well grounded belief, that he was in imminent danger, of suffering great bodily harm, from such assault, and that while acting under such belief, Post was unintentionally, or accidentally killed by him, then you are further instructed, that even though the defendant did not believe that it was necessary to kill Post, in the exercise of defense of himself, but did believe that it was necessary for him to use his knife, as he did use it, to repel, or ward off the assault, then under such circumstances, the killing was justifiable or excusable, and you should acquit the defendant, both of murder and manslaughter.

You are further instructed, that if you believe from the evidence in this case, that there is a reasonable doubt, as to whether Felts, the defendant, at the time of the stabbing, was under reasonable apprehensions, that Spencer Post intended to inflict upon him, Felts, serious bodily injury, and that he, Felts, did the stabbing in self defense, then the law is, you must acquit the defendant.

After the trial went against our brother we thought of course we could get a new trial, because the evidence about the condition of his neck, had not been presented to the jury, but when we talked to his attorney about it, he told us that we could not do it, because we knew about it when the trial was going on, and so this all important evidence has never been considered by any court. The statement of Post before he died, that Felts did it, does not in any sense, fasten the crime of murder on this deaf old man. He does not say that he was standing leaning up against the saloon building as Felts passed by, and that this old man without any provocation plunged his knife into him. Nor does he say, that he did not have Felts by the neck in the dark, intending to have a lot of fun with him, at the time that he received the fatal wound. It is worthy of great consideration, that no word of condemnation fell from the lips of this dying man. If Post had come to his death, in the way that Gaylord and Hodges would have us believe he did, the natural thing would have been for him to defend himself both by word and act. If he could have gotten hold of Felts, and was able to do so, he would have punished him severely for making such a cruel and unheard of assault upon him. But if he was not able to inflict bodily punishment upon him, he certainly would have bitterly denounced him, and said harsh things against him for his inhuman treatment. Instead of this we are asked to believe that Post stood there like a statue, after he was wounded, and never even attempted to defend himself in any way, against the attack made on him by his assailant.

And that he never uttered one word of Condemnation against the man who had maliciously taken his life, without a cause. This is a free country and if a person wants to believe anything of the kind, I don't know of any law to keep him from it, but so far as I am concerned individually, I desire to say, that knowing human nature as I do, it is absolutely impossible for me to give credence to any such a story. The logic of the whole situation, convinces me that Felts' story is true, and that is the reason Post did not blame him by word of mouth,

in his dying moments for what he had done. It should not be forgotten that the instructions of the judge to the jury, clearly pointed out, that it was their duty to acquit this deaf old man, if they found that he had been assaulted by some one in the dark, as he passed by the Davis saloon that dreadful night. So the fact that Post said Felts did it, is not sufficient of itself to establish the fact that this old soldier is a murderer. If Post had Felts by the neck in the dark, even if he was in fun, Felts had a right to defend himself from the attack, provided he believed he was in danger of suffering great bodily harm, and particularly, if he did not know who his assailant was The State's attorney laid a good deal of stress upon the fact that there was a large pool of blood not far from where Gaylord and Hodges said Post was standing. The fact is there was considerable blood all about over the walk for several feet in different directions. Besides the two witnesses already referred to, who were the first persons to see him after he was wounded, testify in their depositions to the Board of Pardons, that Post was lying within two feet of the outer edge of the sidewalk, as they passed by him, on their way home from the dance. This location corresponds with Felts' story, as he says he turned off, and went in a north-westerly direction after he ran against Gaylord's foot. Post could have changed his position, and got up closer to the building, before the crowd gathered, later on. One of these witnesses also tells us that a chair was tipped over, and that the situation as it presented itself to him, looked as though there had been some kind of a fight or scuffle. The fact was developed during the trial that Felts' cane was picked up out in the street, not far away, the next morning after Post was killed. It is fair to presume that the chair was tipped over, and the cane flew out in the street, when this struggle between Post and Felts was going on.

Fred Breed says that when Felts was in the lock-up in Durand the night that he was arrested, that he told him that Post was dead, and that he replied " that he didn't give a damn, or he didn't care if he was, or words to that effect." The

reader will observe that this is not a very definite statement, of what Felts really said on that occasion. The witness ought to be more exact, and not give himself so much latitude, in a matter of such great moment. He admits that he was three feet away from Felts when he told him that Post was dead, and that he don't remember whether he used the eartube or not. Felts declares that Breed did not use the eartube while talking to him at this time, and that he never understood that Post was dead, until he was nearly half way to Rockford the next morning. When he did at last find it out, he told the officers that he would rather have killed himself, than to have killed Post. Then he said he was sorry for the family, referring no doubt to the wife and mother of the deceased. Everybody who is well acquainted with George Felts, knows that he cannot understand what is being said, if the person who is talking to him, is three feet away, and does not use the eartube. Sometimes he does not understand, even when the eartube is used. To illustrate what I mean, he was asked through the eartube on the witness stand, "How long did you live in Rockford?" He answered twenty-three or four years. He supposed, as we found out afterwards, that they asked him how long it had been, since he had lived in Rockford. We could give numerous instances of this kind, showing how imperfectly he hears, even through the eartube. How Mr. Breed could expect him to hear what he said there in the jail, that night when he didn't use the eartube where everybody was excited, and all was confusion, is more than I am able to understand. Certainly no sane man would have made the reply to Mr. Breed's statement that Felts did, if he had understood at the time that Post was dead. He was in the hands of the officers. There was no chance for him to get away. Why then should he make such a heartless and wicked reply to this witness if he knew at the time Post was dead? Every sensible person, especially those who know how deaf Felts is, will agree with me that he did not know what Mr. Breed said, when he told him Post was dead.

Now, with what I have said, spread out before us, does it not seem unreasonable, that the State's attorney should champion the story of the death of Spencer Post, as told by Gaylord and Hodges? Well that is exactly what he did in the trial. Then he went a step further, and made all manner of fun, of the reasonable story as told by the defendant. He told the jury that Post was never on the old man Felts until after he got into that court room. He declared that R. K. Welsh, the attorney for the defense, had made up the story, and taught it to the prisoner, and that there was not a word of truth in it. He said that nobody had ever heard of such a thing, until after we got into the trial. And yet a good many of the State's own witnesses, had testified during the trial, in his presence, that Felts claimed immediately after his arrest, that he had acted in self defense. Ogilby, the deputy sheriff, and Clare Place, both testified, that on the way to the lock-up, Felts declared, that he had acted in self defense. Weaver repeated it, over and over that Felts told them from the time of his arrest, until they placed him in jail, that he had acted in self defense. Ogilby testified, that he heard Felts tell some one at the lock-up, that he had acted in self defense, and that he could prove it. No doubt, he supposed at that time that he could prove it by Gaylord and Hodges, as he probably had found out that they were present, and never dreamed that they would make up a story for fear of being implicated in the crime themselves. Even Gaylord testified, that Felts told him at the lock-up, that he acted in self defense. Gaylord would have been one of the last men that Felts would have said that to, if it were not so, as Gaylord was there at the time of the trouble, and knew whether Felts was telling the truth about it or not. Weaver, the town marshal, who assisted in arresting this deaf old man, was one of the star witnesses for the prosecution, and the record shows that he testified as follows. I quote his exact language. "He said Post had been running on him up town, and that he had cut Post in self defense, that he had been abusing him." It should be borne in mind, that Felts did not know that Post

was hurt, until the officers told him, when they came to arrest him. They also told him that Post said that he did it. Up to that time, he did not know who had been on him in the dark. Nor did he know that any one had been hurt but himself. Weaver testified further, that Felts told them, when they went to arrest him, that Post had taken him by the neck, with his thumb and fingers, and pushed him. He says also, that he told them that he had taken him by the back of the neck, and shoved him forward. Now with all this array of evidence from the state's own witnesses, the State's attorney stood up there before that jury, clothed in his official authority, with the destiny of an old soldier hanging in the balance, and who had been taken through his trial without hearing one word that the witnesses said against him, and he told that jury that his attorney made up his story for him, and that nobody had ever heard of it, until after we got into that court room. There is a day of reckoning for an attorney, who so far forgets his oath of office as to deny the testimony of his own witnesses in order that he may be able to send an old deaf man to prison for life. If he don't reap his reward for his evil doing in this life, he certainly will in the next. The good book tells us that "whatsoever a man soweth, that shall he also reap." It also speaks of persons who sow the wind, and warns all such that they shall reap the whirlwind. The fact is that Felts talked self defense right along the night he was arrested, and after he was placed in the jail at Rockford, telling everyone that he told about it, that he had acted in self defense, until he secured R. K. Welsh as his attorney, and then Mr. Welsh, instead of making up the old man's story for him, issued peremptory orders, for him to keep his mouth shut, and not say anything more to any one about the case, until the time of the trial. Mr. Welsh also notified all the rest of us, that we were to keep quiet, and say nothing to the people in regard to the evidence that we would bring forward in the trial court. We were not even permitted to answer any of the false charges that appeared in the newspapers right along, and which prejudiced many of the good people against

this deaf old man, no doubt. Our attorney said, that he wanted to try the case in the court, instead of the newspapers. This theory is probably correct, on general principles, but I think we made a great mistake in this case, in not letting the people know all about it from the very beginning. The newspapers were not to blame for publishing only one side, as they sought us repeatedly, and we had plenty of news for them on our side, and I am satisfied now that if we had given it to the press, and they had circulated it freely as they were anxious to do, that a public sentiment would have been created in this old man's favor, that would have helped very materially in the trial. In his closing speech, the State's attorney took that knife by the handle, exposing the whole blade, and showed the jury how Felts had plunged it into Post, and declared that it was the assassin's grip. How did he know that was the way it was done? He was not there when it happened, and no one had testified to anything of the kind, during the trial. Adam Shorb, the deputy sheriff, who helped to arrest Felts, says the old man showed them how he held the knife, when he struck at the man's leg, and that he held the blade between his thumb and finger about an inch from the point. Clare Place testified to about the same thing. Weaver says that he held the knife in his hand with about half of the blade exposed, when he exhibited it to them, at the time of his arrest. Gaylord and Hodges have nothing to say as to how Felts held the knife, at the time they say the deed was done, in fact neither one of these witnesses tells us whether he had a knife at all. It will be seen, from what I have just said, that the State's attorney was by all odds the star witness, against this deaf old man, so far as the knife is concerned, and I claim that he had no right whatever to give his testimony, as I am credibly informed, that he was not even in the state, when this sad occurrence took place.

The fact had been brought out during the trial, that Felts had been looking around a good deal, for Lewis Nath, the evening that Post was killed. He had expected to come to town

that night, and let Felts know whether he would haul wood for him the next day. Nath went on the witness stand and testified to this. Other witnesses testified that Felts was in their places of business that evening inquiring for Nath. Not a single witness pretended to deny that Felts was acting in good faith, in his search for Nath that evening. And yet the State's attorney, in his closing speech, held this deaf old man up to ridicule before the people, and mimicked him going up and down the streets of Durand that evening, saying, Nath, Nath, Nath, where's Nath? I'm trying to find Nath. Then straightening himself up to his full height, and putting on a pompous air, he declared in stentorian tones, that Felts had been looking for no one else that evening but Spencer Post, with murder in his heart. How did he know that? No one had testified to it, or even intimated anything of the kind. Besides Felts knew where Post was, and had talked to him several times during the evening. What right has any attorney to go outside of the evidence, or deny evidence that has been given, in order that he may be able to send some one to the prison, or take his life on the gallows? It is time that the people are waking up to these things. There is no more excuse for an attorney juggling with evidence, than there is for the prisoner committing the crime, for which the attorney is prosecuting him. I know that every honest lawyer (and there are plenty of them) will agree with me, in what I say. The prisoner is put on trial for the purpose of finding out whether he is guilty of the crime charged, and not simply to give unscrupulous attorneys an opportunity to see if they cannot run him into prison, whether he is guilty or not. There are many other things that I would like to say in this chapter, but our space is limited, and I must therefore pass them by for the present. I have a complete transcript of the evidence that was given in the regular trial, as well as a copy of all the new evidence that was submitted to the Board of Pardons in this case, and if there is anything connected with it, that I have not made clear to my readers I will be glad to inform you individually, if you will let me know. I

desire to say in conclusion that a desperate attempt is being made by the State's attorney, to make the people believe that the proceedings of the trial were communicated to this deaf old soldier during the progress of the trial. But everybody who attended the trial knows better. I was there every moment of the trial and I know that the court was never stopped as the State's attorney told the Board of Pardons it was, for the purpose of communicating the proceedings of the trial to him. I have known Felts for the last twenty years, and I know that he cannot hear conversation, without the use of his eartube, and that in order to do so then, the person speaking to him must speak slowly, and distinctly, into the mouthpiece of the eartube, and even then it often becomes necessary to repeat to him, in order that he be able to understand what is being said. No one communicated to him either through his eartube or by writing or printing, the questions that were put to the jurors, or the answers they made in reply. He was not even consulted, as to whether or not he was willing to have the jurors try the case. No one communicated to him what the witnesses said against him, so he was unable to consult with his attorney in regard to cross-questioning them. No one informed him, what the State's attorney said about him in his closing speech, and so he sat there as calm as a May morning, while this officer of the law, called him an old whisky soak, an idle man, and a veritable assassin.

Felts is naturally a sensitive man, and comes of a good family, and would have been greatly irritated if he could have heard the villification, and abuse that was heaped upon him. He never knew about it, until I wrote it all out for him, since he has been in the prison. In fact he was as ignorant of the details of his trial, as if he had been an idiot, and yet he was held as responsible as though there was nothing whatever the matter with him. One of the first questions asked this old man, when he was put on the witness stand was this. Have you heard any of the proceedings of the trial? His answer was, "Not a word." Of course this question, as well as all others

put to him while he was giving his testimony, was spoken to him through his eartube. Reader, how would you like to be tried for your life, and not know what your accusers said against you? Remember that George Felts wanted to know what his accusers were saying against him, just as much as you would, under like circumstances. The whole thing is wrong. This old soldier had Common Law, and Constitutional Rights, as a deaf person, and it does not relieve the situation, that neither he nor his friends knew what his rights were, at the time of the trial. Those who were administering the law were expected to know what they were, and see to it that this infirm old man received equal rights, and equal protection, the same as those who can hear. Why should a man who can hear, be protected in his rights, and a deaf person be taken through his trial in any sort of a way? We all know, that it would be illegal, to try a person who is absent, and if it was done, and he was sent to the prison, he could be taken out and discharged, on a writ of habeas corpus. How is this? Why does the law make it imperative, that the prisoner must be present all the time during the trial? Is it not that he shall be able to fully understand all that is being said and done? How about a deaf person who is taken through his trial, without having any of the proceedings communicated to him, while the trial is in progress? Shall he not have the same chance to defend himself, as one who can hear? Must he be punished on account of his infirmity? Our theory is, that every American citizen, stands on an equality, with every other American citizen, before the law. Any one with a grain of common sense, can see that this theory was not applied in the trial of George W. Felts, and that the only reason that can be given for it is, that he is deaf. Along with his sad affliction, does he also lose his rights as an American citizen? We all know that he does not. We all know too, that it is a humane principle, that if a prisoner is handicapped by an infirmity, of any kind, that he should be treated with all the more consideration, and that nothing should be left undone, that could be done, in order that he be given a

fair trial. The Constitution of Illinois provides that the accused shall have the right, not only to defend himself by his attorney, but also in person. How could Felts defend himself in person, when he did not know what the witnesses were saying against him during the trial? When we first began to talk about this matter, the State's attorney treated it as a big joke, but after so many judges said that Felts should have known all the questions that were propounded to the jurors, and all the answers that they made in reply, and that he should have known everything that the witnesses said against him, the State's attorney saw that he was on dangerous ground, and that if he were not careful, he would run into a corner, in which it would be difficult for him to get out, so he began to change his tactics, and at first he claimed that Felts could hear, but he knew that so many people who were acquainted with Felts, would know better, that he decided to set up another claim, and this is what it is. It appears in his statement to the Board of Pardons. I have a copy of his statement before me, and will quote his exact language. "We stopped the progress of the trial, at any time the defendant so desired, and any or all of them would talk with him, consult with him, advise him in fact he was better and more thoroughly informed, and advised of what was being said and done, in court, and its legal effect, than he could have been had every question and answer been written out for him." I have in my possession the testimony of about one hundred reputable citizens who attended the trial, saying that the foregoing statement is false. That the court was never stopped for the purpose of communicating any of the proceedings of the trial to him. Those of us who are his friends and who sat beside him during the trial are in a position to know that nothing was communicated to him while the trial was going on, and we have made affidavits to that effect. In fact there are now about fifty affidavits and about fifty more people have signed a statement setting forth that none of the proceedings of the trial were communicated to George W. Felts, as the trial progressed, while they were

present, and a good many of these were present during the entire trial. Among the fifty who made affidavits are five clergymen, who are leading men in their respective denominations. In addition to all these witnesses the court record itself, verified by the court reporter, shows that Felts is deaf, and that nothing was written out and communicated to him. Besides the court record shows, that the judge himself said, just before the sentence was pronounced, " It is regrettable, in one sense, that the defendant, on account of his infirmity, has not known clearly what has been done." And that he then said " Under the circumstances, it is practically impossible for me to say anything to this defendant." The circumstances were, that the old blacksmith was deaf, and he could not have heard what the judge said, if he had made an address, and so the usual proceedings on such an occasion were omitted, and the sentence was conveyed to him by the sheriff, through the eartube. Our contention is, that Felts had just as much right to hear and know all the proceedings of the trial, as he had to hear and know the sentence.

CHAPTER IV.

Reivew of the State's Attorney's Statement to the Board of Pardons.

By W. A. Wiseman.

Before taking up the work of reviewing this document I desire to say, that no man living has any more respect for an officer than I have, as long as he obeys the law and respects his oath of office, and faithfully looks after the interests of all the people, within his jurisdiction. I want it distinctly understood, by every person who reads this book, that I am a loyal American citizen. That I believe in standing by an officer as long as he does his duty, even if in so doing, he is instrumental in sending the best friend I have to the prison. "But when an officer of the law becomes a persecutor, as well as a prosecutor, for his own aggrandizement, and indulges in all manner of falsehood, and vituperation, in order to convict the accused, then I feel at liberty, as an American citizen to raise my voice in protest, and I will do it, for the good of society. Our beloved, martyred Lincoln declared, that "this is a country of the people, by the people, and for the people." The rights of the people are sacred, and equal, and it is not the province of an officer in this land of "equal rights, and equal protection," to put one person up, and another down, whenever he chooses to do so. On the contrary, the rights of the people are inherent in the people themselves, and they for their own convenience, have wisely selected officers, and placed them in authority, and agreed among themselves to be subject to that authority, so long as these officers obey the laws, and the constitution of the state and of the United States. They have not only put these officers on their honor, to do what is right under the laws and the constitution of the state and of the nation, but

they have required them to take a solemn oath before God that they would do so. In this land of freedom, for the oppressed of all nations, no license has ever been given to an officer to tyrannize or abuse the humblest citizen in all the realm. The officers are working under the direction of the law, and are subject to it, the same as the private citizen. No officer has the right to slander, or abuse a private citizen, any more than a private citizen has to slander or abuse an officer. The people give an officer his position, and pay him for his time, and expect him to look after the interests of every man woman and child, within the prescribed territory, where he exercises official authority. They do not expect him to use his office simply as a shield, or a cloak, or a stepping stone, to some official position, of greater prominence. Nor do they expect him to use it as a whip, a sort of "cat o' nine tails," to all such as refuse to bow at his shrine, and pay homage to him, whether he does the right or not. If the people of Winnebago County, understood all that I have had to put up with, at the hands of the present State's attorney they would understand better what I mean and they would not blame me, the least bit, for the honest, earnest fight that I have been making, at a great personal sacrifice, to secure for George Felts what I believe are his rights as an American citizen, under the constitution and laws of the State of Illinois, and of the United States.

When we failed in our attempt to have this deaf old soldier released on habeas corpus after he had been taken through his trial, without having any of the proceedings communicated to him, as the trial progressed, we decided to try to secure for him a new trial, in which everything should be interpreted to him, so that he could have the same chance to defend himself, as one who could hear. Every judge before whom we presented our case, assured us that a great injustice had been done the prisoner, and said that he should have been informed of all that was said in the trial, but they all told us that our remedy was to be found in a Writ of Error, instead of a writ of habeas corpus. The statute of Illinois gives the prisoner five years,

to go up to the Supreme Court, on a writ of error. In regard to the Bill of Exceptions the following is the Illinois statute: Sec. 197, Revised Statutes of 1845, "In the trial of any person, for any crime or misdemeanor, it shall be the duty of the judge before whom such trial is pending, to sign and seal any bill of exceptions tendered to the court, during the progress thereof; Provided the truth of the case be fairly stated in such Bill of Exceptions." Originally each exception was put in writing and signed by the judge, as the case progressed. Later, it became the practice to collect the exceptions into a bill, which the judge must sign during that session of the court. After the employment of stenographers, it became the practice, to pile up the shorthand notes, and leave them in that shape, until such time as the litigant wished to get out his Bill of Exceptions. There came a time, when for the convenience of the courts, the judges were allowed to limit the time, for taking out the bill of Exceptions. The consequence is that while the statute gives the citizen five years, in which to go up to the Supreme Court, and have his case reviewed on a writ or error, the present court practice in the State of Illinois permits the judge to shorten the time to a few days if he wishes to do so. In the present case the statute gave George W. Felts five years in which to go up to the supreme court, on a Writ of Error, and the judge gave him only ninety days in which to get out his Bill of Exceptions, which was practically cutting down the time from five years to ninety days, as it was impossible for him to get the money to pay for the Bill of Exceptions, within the time specified, and the Bill of Exceptions is necessary in order to go up to the Supreme Court on a Writ of Error. Besides the prisoner never knew that he had been limited to the ninety days already referred to, until he saw it in a newspaper about the time it expired. The court practice already referred to has worked a great hardship in many cases, especially among the poor, and for this reason another court practice has come into use, and is often allowed by the State's attorneys and judges, in the interest of justice and humanity. I refer to the signing

the Bill of Exceptions "Nunc pro Tunc," which means the same as "Now for Then." The theory of the whole practice runs about as follows. If the judge grants a prisoner, say ninety days, in which to take out his Bill of Exceptions, he claims that his jurisdiction in the case, extends up to the end of that time, and that if the prisoner notifies him before the ninety days expire, that he wants the time extended, that he has the right to give him ninety days more, or any other number of days he may decide upon, and that his jurisdiction in the case, still continues up to the end of the extension, and if again applied to before the time expires, he can again extend, and so on, until the whole five years are included, provided the judges term of office does not expire, or the judge does not expire himself, or one order of the court does not lapse before another extension is granted. This is the regular method as it has been stated to me by those in whose legal knowledge I have confidence. The Nunc pro Tunc order is like this. Suppose a judge gives the prisoner ninety days in which to take out his Bill of Exceptions , and he cannot get the money to pay the stenographer for doing the necessary work inside of the time given, and he fails to ask for an extension of the time, and the ninety days are allowed to expire. A few days after, friends become interested in the case, and offer to put up the money, to pay for the record, and the matter is presented to the judge and the State's attorney, and they consider it, and feeling that the ends of justice may not have been reached in the case, and desiring to be humane, and give the prisoner the benefit of the statute that gives him five years in which to go up to the higher court and have the case reviewed, they extend the time for filing the Bill of Exceptions, the same as they would have done, if they had been asked to do so before the ninety days had expired. One very able lawyer, who has a clear brain, and a big heart, and who served in the capacity of State's attorney for eight years, told me that he often consented to the Nunc pro Tunc order while he was filling that office. Another one, who had held the same official position,

for the same length of time, said that he had consented to the order after the time had expired a couple of years. In fact quite a number, of as good lawyers as can be found in the ranks of that honored profession, assured me that such an order was often granted in the interest of justice and humanity. This deaf old soldier did not know that he was limited to ninety days, in which to prepare his Bill of Exceptions, as the proceedings were not communicated to him. But if he had known it, he did not have the necessary money to pay for writing up the record. The friends of the old soldiers in Chicago became interested in the case, and furnished the necessary money to write up the transcript of evidence, and I immediately went to Rockford, never dreaming that the State's attorney would refuse to let this deaf old soldier go up to the Supreme Court. All he had to do was to agree to the Nunc pro Tunc order. But when I asked him about it, he said there was no law for it. Neither is there any law for extending the Judge's jurisdiction over the case for 90 days after the session of the court closes, and permitting him to continue to extend the time for filing the Bill of Exceptions from one date to another, until he has taken up the whole five years, if he chooses to do so. But there *is* court practice for it, and so it is done. So too there is court practice for signing the Bill of Exceptions Nunc pro Tunc. And any man with a heart in him, will follow that court practice in a case like this. But this is not the reason he gave us in a letter only a short time before, a copy of which we have submitted to the Board of Pardons. In explaining why he was not willing to stipulate so broadly as we suggested, in the matter of a new trial, he said in his letter already referred to, "that the method of interpretation necessary, would involve great delay." Oh ,ho. Then there is "a method of interpreting necessary" in the trial of a deaf person, and the State's attorney knew it, and was not willing to follow it, for the reason that it would take too long to try the case in that way. How is that? Take too long to give an old deaf soldier a legal trial? Who gave this State's attorney the right to set aside

legal methods that have been followed in the courts of this country from the days of the colonies, down to the present time? Isn't he paid for his time? Why then get in a hurry, when the life and liberty of an old deaf man is at stake? Everybody has a right to his own opinion, and my private opinion, publicly expressed, is just this, the State's attorney was afraid to let this old man have the kind of a trial that the Common Law prescribes, and the Constitution of the United States guarantees in the trial of a deaf person, for fear he might be acquitted. But what glory he can get out of sending an old deaf man to the prison for life, who never heard any of the proceedings of the trial, as the trial progressed, is more than I am able to see. Well I tried every way I could to get that "Nunc pro Tunc Order" for about two weeks. I argued, I plead, I presented letters from leading lawyers and judges. I went early, and late, and often. I got other people, who were interested, to intercede for me. But it was of no use. In vain did I tell him that we now had new evidence that I was satisfied would clear this old soldier of the crime of murder, in any court. He simply replied that I did not know George Felts as well as he did. A person would think from the way he talked, that he had been brought up in the same family with him, he seemed so familiar with him. I finally suggested to him, that if he was afraid that the people of Winnebago County would not indorse his action if he opened the door, and let this deaf old man go up to the Supreme Court of the state, that I would relieve the situation for him in a measure at least, by circulating a petition among the leading men and women of the county, asking him to take such a course. He replied that he would not agree to let this old man go up to the Supreme Court of the state, if half of the people of the county would sign a petition asking him to do so. Well, what could I do? Absolutely nothing. Although, I believed we had sufficient evidence, that had never been used, to acquit the prisoner in any court, still I must be prevented from using it, because the State's attorney would not give his consent.

After two weeks of hopeless endeavor, along this line, I decided to give up the idea of a new trial, and apply for a pardon. I did not like to do this, but as there was no hope of securing a new trial because of the State's attorney's opposition, I didn't see any other way of getting this suffering old man, out of the prison. Accordingly the 30th day of last May, my wife and I, went to the city of Rockford, where the trial was held, and began circulating a petition for the pardon of George W. Felts. No sooner had we begun our work, than one of the leading newspapers of the city, came out with big head lines, announcing that the State's attorney would oppose us, by getting up a remonstrance to our petition. This statement of the press has never been contradicted, and so from that day to this, the whole strength of the State's attorney's official position, has been directly opposed to our work. He seemed to take it as a personal insult, that we should undertake to get our brother out of the prison, after we had become thoroughly convinced, that he never intended to commit any crime. He told me in his own office, that if I undertook to gather up new evidence and present it to the Board of Pardons, that he would give me the hardest fight, I ever had in my life. Everybody knows that I don't want to fight. What I am trying to do, is to get the old man Felts out of the prison. I would very much prefer to say real nice things about this young attorney, than to speak of him in any other way. But how can I and get this much wronged man out of the prison, at the same time? He claims to represent the people of Winnebago County, in opposing the pardon of George W. Felts. I say he is doing nothing of the kind. I have been around over the county quite a little, since we undertook to get the pardon, and I have talked with a good many people in regard to the matter, during that time, and I know that a large majority of them not only want this old soldier released from the prison, but they also feel, that a great injustice was done, when he was sent there. The people of Winnebago County believe in a square deal, and they don't believe that George Felts has had it, in the present case.

They believe that he should have known the proceedings of his trial, as it progressed. They believe that the evidence in regard to the condition of his neck when he entered the jail, should have gone to the jury. They believe that when it did not this deaf old man, should have been given a new trial. They believe that when the State's attorney prevented him from securing a new trial, he should have kept out of his way when his friends applied for a pardon. The people of Winnebago County are all right, and I am glad that I ever got acquainted with so many of them. I shall never forget their kindness or consideration. As soon as we began our work in the city of Rockford, the people with very few exceptions, seemed to be in perfect sympathy with our cause. Several of the attorneys declared that Felts never had any trial, that he had never been in court. Many of the business men, as soon as they found out what we were doing, said, of course we will sign your petition, we would have signed it the next day after the trial, if you had come around, that old man never ought to have been sent to the prison. We secured about 5,000 signatures to our petition, in the city of Rockford alone, many of whom attended the trial, at least a part of the time, and some of them were present all the time. We were adding two hundred names a day to our petition, when we closed our canvass, and sent the names of the petitioners to the Board of Pardons, expecting that the hearing would come off in a few days; instead of that, on account of the illness of one of the members of the Board of Pardons, it was postponed for over two months. If we had kept right on with our petition, we could have secured at least ten thousand signers before the hearing came off. We do not say these things to boast. Any one might have done as well as ourselves, besides a great many kind hearted people, whom we shall never forget, assisted us, and secured a great many of the names for us. I have no word of reproach for any of those who signed the remonstrance. I want all such to read our book, and if you do not have the money to purchase a copy, kindly let me know, and I

will be glad to furnish you one free of charge. We believe we are right, and for this reason alone we are struggling along, against great odds, trying to get this deaf old man out of the prison. I am now going to review the State's attorney's statement to the Board of Pardons, and if you will follow me closely, I think you will come to the same conclusion I have, that his methods will not bear investigation.

His statement is an official document which the law requires the State's attorney to furnish to the Board of Pardons. He should have given it to me, when I called on him for it months before. He starts out by telling the Board that what he had to say, would be made up largely from his memory, and some notes that he had taken down at the time of the trial, for his own personal use. He says, "I should much prefer to have had an opportunity of reviewing the transcript of the evidence, filed with you." He asked me some time before if he could have access to the transcript of evidence, and I told him that he could, and so if he did not avail himself of that privilege, there was no one to blame for it but himself. He next proceeds to give a write up of the town of Durand. He says. "It is a small town of probably four hundred inhabitants." Unless I am very much mistaken, he is away off, on his estimate. I have always supposed that there are anywhere from eight hundred to one thousand people living in that prosperous little village. I simply call attention to this matter, as I want you to take notice how unreliable he is, in all his statements. In another place he undertakes to describe the situation, in front of the Davis saloon, in Durand. He says "A wooden awning extended down over the sidewalk, in front of the saloon building in question, so that a person would be unable to distinguish clearly any person in the dark by coming up suddenly and looking in toward the building." He admits that the circumstances were such, that it would be very difficult to recognize a person in the dark, and yet he goes on the theory that Felts, who is old, and whose eyes are very defective, did recognize Post. What kind of logic is this? It was too dark for

Felts to recognize Post there that night. He next tells us " O. E. Davis at that time conducted a saloon, and closed that night at eleven o'clock. Then he tells us that " Felts walked up and down the streets, and about eleven thirty he cancelled his order for the beer." That is he cancelled his order for the beer a half hour after the saloon closed and the keeper had put out the lights, and gone home. Now the fact is, as shown by the record, Felts went home at eleven o'clock, and was not on the streets at eleven thirty at all, but was sitting on his own porch. Then he goes on to say that Felts was irritated, and getting in an ugly mood, as he walked up and down the streets. The record, which I have before me as I write, and which I shall follow very carefully, in this review, shows nothing whatever of the kind. One of the representative citizens of Rockford, who happened to be in Durand the night of the sad occurrence in question, has written the following letter to the Board of Pardons, and I have a copy of it in my possession. " I have been acquainted with George W. Felts for many years. So far as I know, he was always a quiet and industrious man. The charge that he was intoxicated, the night that Spencer Post was cut, is wholly untrue, to my certain knowledge. I talked with him that night three times, the last time, between nine and ten o'clock. There was no sign of liquor, in his conversation or manner. He was as natural as a deaf man could be, and good natured and sober." The State's attorney says that " O. E. Davis closed his saloon that night at eleven o'clock " put out the lights and left the place. Among those who lingered after the closing hour, were witnesses Gaylord, Hodges, Thiele, and deceased Spencer Post. As the defendant passed along down the street, he came up to this crowd of men." Now he would have us believe that the lights were out, and that it was dark in front of the saloon, when Felts came up, but the court record shows that the lights were still burning, and that it was light in front of the saloon at this time. The reader must bear in mind that Post was not stabbed until nearly an hour after this time and then the lights were all out

The State's attorney quotes the Dr. who attended Post in his dying hour as saying " The blood was flowing rapidly from the wound, and in jets, and not a continuous flow." If that is true, why didn't the Dr. tie the artery and stop the flow of blood?

I now make a more serious charge against the State's attorney, than anything I have said up to the present time. He has actually injected very material evidence into the record of this case, that, if it was done in a matter of business, would be called forgery. He says, " While in a dying condition Post was asked, " Who did it?" And he stated Felts. And upon being asked " Why," " He said he didn't know." I challenge that last question and answer. There is nothing of the kind in the record, and no one ever heard of it before, and I believe the State's attorney has deliberately made up the whole thing, and dragged it in here for a purpose. If he has done it ignorantly, then I charge on him, that he is a blind leader, and will lead all those who follow him into the ditch. The friends on both sides of this case, have always regretted, that someone did not ask the very question, the State's attorney refers to in his statement. It is very strange, that at this late day, this point of evidence, that he would have used with great effect during the trial, if he had known it, should suddenly burst in upon the State's attorney's mind. To me there is something awful, in the very thought of putting words into the mouth of a dying man. Such a thing is unpardonable in any lawyer, and particularly one, who represents the state. I have no doubt Spencer Post would have spoken the truth about it, in his last moments if one of the bystanders had interrogated him in regard to the matter, but in the excitement it was overlooked, and now it is too late for the State's attorney to ask questions of the deceased, and then go to work and answer them himself. In another place he says " But the knife Felts had in his pocket, was still wet and warm, with the blood of the deceased." If that was true, and Felts understood the whole situation why didn't he either wipe the blood off the knife, or throw it away? Is it natural for a person to carry a bloody knife around in his pocket,

after he has committed a great crime? But there was no blood in Felts' pocket. If there had been blood on the knife, would it not have stained his pocket? If Felts had thrust that knife into Post unprovoked, would he have carried it around in his pocket covered with blood, until the officers came to arrest him, and would he then have turned the knife over to these same officers without any hesitation whatever, as the record shows he did? Not if he was in his right mind. That is not the way a person does when he has committed a crime, and is in his right mind. One thing is sure, the knife would not have been warm, at least a half hour after the deed was done, unless the warmth came from the pocket of the defendant, instead of the blood of the deceased.

Speaking of Felts after he was lodged in the county jail at Rockford he says, "A day or two later, he complained of rheumatism, saying that the cell was a little damp, and that he desired to have an extra pillow which was furnished him." Why should the cell, which is located several feet above the level of the ground, be damp in the month of August? Mrs. Wiseman got the pillow for him, not because he had the rheumatism, but because his neck was marked and bruised and swollen, as she tells us in her deposition to the Board or Pardons. His neck was so injured, that he was compelled to sit up almost straight in the bed in order to sleep at all. He wanted the pillow to use as a prop, and the record before the Board of Pardons, shows that he used it in that way. Then he says, "There was no evidence whatever, of any violence done to Mr. Felts," and this in face of the fact, that we now have a dozen witnesses who testify, that there was every indication that he had been roughly handled in some way, and several of these witnesses testify that there were marks and bruises on his neck, when they saw him soon after he was placed in jail, and that Felts told them that these injuries were received by him the night of the trouble.

The State's attorney then proceeds with his statement as follows, "A week or ten days after the killing, his sister Mrs.

Wiseman and her husband came from Iowa, where they at that time lived." The facts are Mrs. Wiseman saw her brother the morning of the third day after he was placed in the jail, and the writer did not see him until about five months after the sad occurrence took place. In this statement of facts to the Board of Pardons, this official document that is expected to be a masterpiece, the State's attorney does not even appear in the role of a good guesser. Referring to the trial, he says, "Every right was preserved, and every requirement of criminal law lived up to." What about that "Necessary method of interpreting" that he wrote to us about when we were trying to get a new trial? Was that right preserved, and was that requirement of criminal law lived up to? The State's attorney knows that it was not. He says, "Had the defendant even hinted that he desired some one especially appointed by the court, or in some other way to have the evidence communicated to him, he certainly could have had it," then he adds, "But such a demand, would have been nothing short of ridiculous." How is that? Ridiculous for a deaf man to want to know what the people are saying, when they are talking about taking him out and hanging him? I guess not. If the State's attorney was being tried for his life, wouldn't he want to know what was being said in the trial? He intimates that if the defendant had even hinted to him that he would like to know what the witnesses were saying that his wishes in the matter would have been granted, and they would have provided the "Necessary method of interpretation" for him at once. In other words if this deaf old blacksmith, who didn't know any more about law, than a mule knows about astronomy, would tell the State's attorney what the law is in regard to the trial of a deaf person, and ask him to observe it in his case, that he would have done so. Has it come to that? Must the private citizen who in this case, is a deaf old blacksmith, not only know what the law is, but must he be able to instruct the State's attorney in regard to it, and then ask him if he won't please apply it in his case? Felts did not know what his rights were, and was

afraid to open his mouth, for fear he would be taken for contempt of court. But the State's attorney was expected to know what the prisoner's rights were, and to see that he got them. What else is he paid for, but to look after the people's rights, under the law. Then he says "During which time we stopped the progress of the trial, at any time the defendant so desired, and any, or all of them would talk with him, consult with him, advise with him, in fact he was better and more thoroughly informed, and advised of what was being said and done in court, and its legal effect, than he could have been, had every question and answer been written out for him." We have about one hundred witnesses who attended the trial, many of them all the time, and the others a part of the time, who testify, that the court was never stopped for the purpose of communicating any of the proceedings of the trial to this deaf man, while they were present. His friends also testified that they never communicated anything to him during the trial, and give as their reason for not doing so, that he hears so imperfectly even through the eartube, that they would have been compelled, in orded to make him hear, to talk so loud, that the attention of everybody in the court room would have been attracted to the performance, so they did not feel at liberty to do anything of the kind, unless they were instructed by some one in authority, to do so. His friends thought at the time, that it was a monstrous piece of injustice, to try a deaf person, and not communicate to him the proceedings, as the trial progressed but they did not know until after the trial was over, that it was illegal, to try a deaf person in that way. He says, "In my opinion, the scene that night was but the natural conclusion of years of idleness, drunkenness, and quarreling." Felts did more work during the years that he worked at the blacksmith trade, than the State's attorney would do in a hundred years, if he should live that long. We all admit that Felts drank some, and so do a whole lot of other people, and some of them, even among those who blame him for this bad habit drink more than he did. But Felts was not a common drunkard, as the

State's attorney would have us believe. In fact he never was lying around drunk, but on the contrary was always ready for business, when he was well enough to work, as the many letters we have in our possession, from persons who have been intimately acquainted with him for many years, clearly show. The State's attorney tried hard to establish the fact that Felts was drunk, the night of the trouble, but in this he failed entirely, as the court record shows. The trouble can be traced directly to his deafness, and his defective sight and the darkness of the night, and not to any drunkenness on his part. If the scene that night was the natural conclusion of years of idleness, drunkenness and quarreling, how is it that Felts had never had any serious trouble before? And what about those forty-one leading citizens of Durand and vicinity, who signed a statement that Felts had always been a peaceable law-abiding citizen ever since he had been in the town? He passes on to say, "It happened to have been my lot, to have represented George Felts, in one or two civil suits, prior to this homicide." Why does he not tell us whether it was one or two? He must surely know which it is, and he must know, that two is just twice as many as one. It looks a little suspicious when he states it in that way, especially, when he adds, "I mention this, for the purpose of showing, that I am well acquainted with him." Then he goes on to say, "I have known him at least eight years, prior to this night in question, and I can state personally, that I have observed him many times, both in his own town of Durand, and in the city of Rockford, under the influence of liquor, at which time, he would be boisterous, noisy, and a veritable nuisance." Now it should be borne in mind that Felts seldom came to Rockford, within the eight years, immediately preceding his arrest and imprisonment, and is it not passing strange, that the State's attorney is the only person in this fine city, that should ever happen to see George Felts carrying on in the manner that he describes? There are a lot of good people in Rockford, who know this unfortunate man, and they not only feel sorry for him, but they really like him, and

they never have seen him when he was in one of his drunken carousals, stirring up the city, like a veritable cow boy in a western town, in the early days. How does it come that the State's attorney has happened to see Felts in his own native town of Durand tearing things up like a cyclone so many times within the last eight years immediately preceding his arrest? What is there in that "little town or four hundred inhabitants," as he calls it, to take him up there so often? He next proceeds to remark, "He never used an eartube, until within a year or two of the homicide." This gives the whole thing away, he surely has some one else in mind. Everybody in Durand, and quite a few people in Rockford, know that Felts has used an eartube for a great many years. He has carried the present eartube for at least ten years before this trouble came upon him, and before that, he used an old tin tube for a good many years. To my certain knowledge, he has used an eartube for the last fifteen or twenty years. In making this last statement about the eartube, he is evidently paving the way for what follows, "I believe he heard a great deal more of the trial, than he would now admit. I recall vividly upon finishing my closing argument to the jury, a little incident that convinced me of this fact. The court room was packed to suffocation. It had been a long tedious trial lasting two weeks. People from the community for miles around attended the trial. Upon retiring from the table, I felt some one take a hold of my hand, as I was edging my way through the crowd. I looked around, and the defendant George Felts had me by the hand, and remarked, "You gave it to me pretty hard Harry, and I am going to have you for my lawyer next time." "I replied," "Then you heard me did you George?" He smiled and made no further reply." I have set out this quotation at length, because it is a particular favorite of the State's attorney, and it should therefore be given special consideration. He rolls it under his tongue, as a sweet morsel, and uses it on all occasions, both public and private. He does not always tell it exactly alike, but no matter, it always fits the case, and is a good story well told.

When he told it before Judge Landis, in the Federal Court in Chicago, he had Felts say, "You went for me pretty lively today, the next time I get into any trouble, I am going to have you for my lawyer." Before the Board of Pardons, he had him say it this way, "You gave it to me pretty hard Harry, and I am going to have you for my lawyer next time." There isn't much difference after all, and everybody who was present knows nothing of the kind ever happened, anyway. Felts never heard one word of the villification and abuse that the State's attorney heaped upon him, on that occasion, but if he had, why should he smile and compliment him for misrepresenting him, and slandering him as he did? I have in my possession, copies of nine affidavits from reputable people, saying that they were present and right near Felts on that occasion and that they know no such incident as the State's attorney refers to in his statement to the Board of Pardons, ever happened. One of these nine engaged Felts in conversation himself through his eartube as soon as the court adjourned for the day, and kept right on talking with him until the court room was cleared, and the sheriff took Felts back to jail. Here is a sample, "He was a giant in strength, and proud of it." Felts weighed 157 pounds at the time of his arrest, and had been a constant sufferer from rheumatism and heart trouble for years. He was not able to do much hard work, and he had not been in the prison a great while, before he was excused from all kinds of work, that required much physical strength, and yet this State's attorney represents him to be a sort of Jim Jeffries, or John L. Sullivan. Is it not strange? Then he says, "When under the influence of liquor, he oftentimes would insist on measuring strength with others, slapping people on the back, as he went along, cutting in among different people, who perchance would stand on the streets of Durand, in conversation, until they all became sick, tired and disgusted with him. He was known there as a common nuisance, if such a thing could apply to a man." What a shame, for an officer of the law, to so vilely slander an old deaf Union soldier, who is al-

ready in prison, because he was taken through his trial without knowing what the witnesses said against him, and because he did not know, on account of his infirmity, that important evidence was left out, that would have established his innocence. It is another case of kicking a man because he is down. He represents this deaf old man, as a sort of a pugilist, going up and down the streets of Durand, poking his nose in to everybody's business, trying to see if he couldn't get up a fight, on all occasions. Why didn't he put boxing gloves on him, while he was about it, and tell us of a great many encounters in which Felts had distinguished himself, as a prize fighter? Nothing could be further from the truth, than the foregoing statement, and it makes me "Sick, tired, and disgusted," to think that an officer who pretends to be looking after the interest of the people, should falsely accuse one of the most helpless persons in all his jurisdiction. Felts is naturally retiring in his disposition, as everyone knows, who is acquainted with him. And I never knew before that a man is to be put down as a nuisance, simply because he is too deaf to hear, and too much broken in health to do a great deal of work. What are we coming to? Is there no justice, humanity or truthfulness left? He says to the Pardon Board, "I am informed that Mr. and Mrs. Wiseman, have presented to your honorable Board a petition, signed by many hundreds, and perhaps thousands of people, from Winnebago County, Lee County, and other counties, and states, perhaps." Yes, there were nearly six thousand petitioners from Winnebago County alone, asking for the pardon of George W. Felts. And the number could have been doubled or trebled, easily, if we only could have seen the people. Many have spoken to us, in regard to the matter, regretting that they did not have an opportunity to sign the paper before we sent it away. I am also informed that Lee County sent in a good strong petition, asking for the release of the prisoner, but how many names there were on that petition, is more than I am able to tell. Petitions were also sent in from other counties, all over the state. For anything I know to the

contrary, every county in the state may have been represented by a petition. I do know that in some of the smaller towns of six and eight hundred, the petitions were so large, that it seemed to me that every man in these respective places, must have signed. They did not ask the women and children to sign, only voters, and in one little town of six hundred, down in the central part of the state, they sent in a petition with one hundred and thirty-two names on it. One railroad man in Chicago, sent in a petition, signed by one hundred and thirty-eight persons, all of whom were railroad men. The loyal people, of this great State of Illinois, do not believe in trying an old deaf soldier, or any other deaf person for that matter, as George W. Felts was tried. But, so far as I know, no one outside of the State of Illinois, signed our petition. We met a great many people, from different states, when we were circulating the petition in the city of Rockford, who would gladly have given us their names, but in every instance as soon as we found out that the person resided in some other state we told him he was not eligible, as we were taking the names of those only, who resided in Illinois. Can as much be said for those who got up the remonstrance? How about Mrs. D.B. Lane? Does she live in Illinois or Pennsylvania? And Mrs. A. C. Wilcox, of Boone, Iowa? And do not C. R. Stewart and H. Walker, both live in iowa?

He says he drafted suitable petitions of protest, and put them in the hands of Mrs. Post, " and she took them out, and although feeble as she is, she procured several hundred names from those who knew George Felts." In his oral address before the Board of Pardons, he represented that Mrs. Post was old and feeble, and not able to do much, and that she simply saw the people as they happened to come in her way. This does not harmonize with the reports that have come to me. I have been told that she not only did a good deal of hard work herself, but that she was ably assisted by a number of friends, some of whom lived in the vicinity of Durand, and others lived out east of Rockford I think. The remonstrance was circulated pretty

generally all over the county, and has names on it, not only from Durand, but also from Rockford, Pecatonica, Winnebago, Laona, Harrison, Rockton, Cherry Valley, and Guilford. To my certain knowledge there were four strong men, who helped circulate the remonstrance, all of whom were related to the deceased. In Rockford where the trial was held, and the State's attorney admits, as we have already shown, that there were thousands of people in attendance, there are only fifty-seven names on the remonstrance, made up for the most part, from the force in the State's attorney's office, and the relatives and friends of the deceased. He says, "Durand does not want him released." That depends on what you call Durand. If the borders of that village extend all the way from Pennsylvania to Iowa, then I am sure the State's attorney is mistaken, when he says Durand does not want him released. Nearly everybody included in that vast territory, who knows anything about the case, wants George Felts released, because they do not think he was tried as a deaf person ought to be. But if we are to understand that Durand includes the territory in all directions from the village to the distance of about six or eight miles, as the names on the remonstrance, that are marked Durand, would indicate, then, we have just about as many Durand names on our petition, as the State's attorney has on his remonstrance. So far as the village of Durand itself is concerned we never made a personal canvass of it, having been warned by the State's attorney, that it would not be safe for us to do so. We could not see why the people of that town should have it in for us, for doing what we believed was our duty, still we did not care to run into trouble, never having been in any before in all our lives, and so we decided, so far as we were personally concerned, to turn the people of that "little town of about four hundred inhabitants," over to the tender mercies of the State's attorney, and depend on friends sending in the names of those who were in favor of taking Felts out of the prison. After all we have more names on our petition from the little village of Durand, than he has on his remonstrance

in the city of Rockford, where the trial was held, and where this great State's attorney "lives, and moves, and has his being." Besides the people of Durand did not know about the new evidence that has been submitted to the Board of Pardons in this case, when they signed that remonstrance, or many of them never would have done so. I am charitable enough to believe, that the people of that town, in common with the people everywhere want to do what is right, in all such matters. But they should remember that they were not present when Spencer Post was stabbed, and that the witnesses who were present and testified in the case, do not have as good a reputation for truth and veracity as George Washington had, and besides one of them has said that they "were all so drunk, that they didn't any of them know what happened."

But the State's attorney makes a bad break, when he says, "The people of Winnebago County, do not want him released." How does he know? He is not the whole county. Besides the way the people of Rockford, and the smaller towns, and villages, as well as the people of the country districts signed our petition as soon as opportunity was given them to do so, we would naturally infer that the people of this grand old county, do want Felts taken out of the prison. Then he says, "I have had a great many people come to me, and volunteer the statement, that they had signed the petition of George Felts, and did it not knowing the facts. That it had been represented to them, that the mother of Spencer Post was asking for his release, and in fact, I am informed, that there are names on the protest petition, which appear on the petition for release. Those people who signed both, being so indignant at the misrepresentations made to them." Why did not those indignant persons come to us, instead of going to the State's attorney? We would have been glad to take their names off the petition, if they were not satisfied. We are not doing any "slick business," as the State's attorney would like to make the Pardon Board believe. Who are these dissatisfied persons, anyway? We have seen nothing of them. On

the contrary, everyone we meet, almost, stops us to ask what the prospects are, for getting that deaf old man out of the prison, who was taken through his trial, without knowing any of the proceedings as the trial progressed. I don't remember anyone ever speaking to us about Mrs. Post in connection with the petition, but I distinctly remember that a good many people wanted to know why the State's attorney was putting up such a stiff fight to keep this deaf old soldier in the prison. Quite a few names that were on both papers, found their way on to the remonstrance first, and afterwards got on to the petition, and have stayed there ever since. Here is a statement that reveals the stupendous egotism of the State's attorney, not to say any thing about his everlasting meanness, " It is not a fact, as I firmly believe, that his loss of hearing can in any way be attributed to any of his army experiences." What has his *firm belief* got to do with it.? Does he know more about it than Col Bryan who was Felts' captain? Bryan who knew him well before he went into the army, and kept up his acquaintance with him all the time during his army service, and visited him often in the hospital, when he was sick, says, that he lost his hearing in the service of his country. But no, says this young State's attorney, Col. Bryan is wrong. But he doesn't stop there. Uncle Sam, has been giving this old soldier a pension for over twenty years for total deafness in one ear, and severe deafness in the other, and says that he is doing so to reward the old patriot, in a measure, for the loss he sustained, by losing his hearing in the service of his country. But the State's attorney notifies Uncle Sam that he is mistaken, and to prove his position, says that he was with him in a law suit only about eight years before he was sent to the prison, and that he did not have any occasion to use his eartube when they questioned him on the witness stand. But Uncle Sam will not be deceived in that sort of a way, and will go right on paying this deaf old soldier a pension, because he carefully looked up the record in the case, something that the State's attorney seldom does. Then he tells us of a remarkable little incident that I am satisfied never

happened, while the trial was going on. " I well recall however a group of old soldiers, standing on the corner, when I was attempting to get a jury, and one of them remarked, with the assent and approval of the others, that his old soldier friends, believed that he should be punished to the fullest extent of the law, for this act. And one of them ventured the remark further, that he believed that I would be entirely safe, in trying him with twelve old soldiers on the jury, and that he would be convicted and punished, perhaps more severly than he was." This " Sop " to the old soldiers does not come with very good grace, when it is remembered that the State's attorney was very persistent in the selection of the jury in ascertaining whether they had any near relations that were soldiers in the Union Army. Of course the interests of the people, and of the prisoner would be safe, with ajury made up of veterans of the Civil War, but they would not agree to convict any one before hearing the evidence in the case, as the State's attorney would have the Pardon Board believe, and especially would they not promise to give a comrade a more severe punishment, than a life sentence, before they had thoroughly investigated the matter. What does he mean when he says, " One of them ventured the remark, that I would be entirely safe, in trying him with twelve old soldiers on the jury." The State's attorney has himself in mind. He may have been thinking of his reputation as a lawyer, or the twenty dollars he would get in case of a conviction, but why should he not give at least one thought, to this helpless old man, who lost his hearing in the service of his country. He says, " There seems to be an attempt on the part of Mr. Wiseman and his wife, to make a personal attack on me." Oh no. We are simply trying to get our brother out of the prison and would be glad to let him alone, if he would get out of our way He says, " He has no personal feeling in the matter." Why then is he not willing that this deaf old man, should have a new trial, where the evidence about the condition of his neck, when he entered the jail, could be considered? Referring to Mrs. Wiseman and myself, he says, " They have spent a small for-

tune on behalf of Geo. Felts. That dependes on what he calls a small fortune. I suppose that the widow's mite spoken of in the New Testament, was a small fortune to her. We have spent all the spare money we had by us, when this trouble came on. Besides Mrs. Wiseman has put the price of her winter home in the South, into it, and I have borrowed six hundred dollars on my life insurance. But that is not all. We have lived on two meals a day, when we could not afford to pay for three. We have walked, when we could not afford to ride, and that too, through rain, and snow, and mud, as well as dust and heat. But we are not bankrupt. We still have a few things left. In the first place, we have a clear conscience, for we have done what we believe to have been our duty, and that is worth a good deal. In the second place, our health has been preserved, for which we thank the Lord, and take courage. And third, we have many friends, which is a source of great strength, and comfort to us. And fourth, we believe that all things work together for good, to them that love God. And we are as sure as we live, that we do love him, and that He loves us, in spite of our faults and our frailties. And so we are not complaining of our lot but on the contrary, we would do the same thing over again, as we have done in the George Felts case, should the opportunity return to us.

He says, "For two years, they have tried in a systematic way, to create a strong sentiment in behalf of the defendant." This is not true. We were not even in the county until the 30th day of last May, at which time we came to Rockford and began circulating a petition for pardon, and we have been out of the county at least half of the time since then. Before that time, we made our headquarters in Chicago, and were trying to secure the prisoner's release on a writ of habeas corpus, because he is deaf and none of the proceedings of the trial were communicated to him while the trial was in progress. "They have made many affidavits, charging me with different things, that I cannot now take time to enumerate." If he does not have the time to tell the Board what the affidavits are about, what

good does it do to say anything about them at all? He says immediately following "I believe that this matter has become a mon-omania with both of them." What does he refer to? The matter of making affidavits against him? Oh no, brother life is too short, and too precious to spend it in that way. We have made just as few affidavits against him, as the circumstances in the case would admit. Then he says "They do nothing, and talk nothing, but this case." Well, that is the way to succeed, when a person has an important matter on hand. That is the way the Apostle Paul said he did. And Grant said he would take Vicksburg, if it took all summer. I started in to get George Felts out of the prison, because I honestly believed that he was guilty of no intentional crime, and I still believe so, then, why should I relax my efforts in his behalf.

The fact is, I never expect to stop, until I have vindicated this old soldier, in the minds of all candid thinking people. Then he says, "They have been for months about the streets of Rockford, and other places, with their papers, arguing talking, discussing, what they believe to be an injustice done to this defendant." I plead guilty to the charge. I do believe that a great injustice has been done to the defendant, and I have had the courage to say so, both publicly, and privately. Then he adds, "Naturally, they would feel this way, for blood runs thicker than water." I do not deny, that I think a good deal of the honor and reputation of my wife's people, and what is more, I do not think very much of a man who does not stand by his relations when they are in trouble and need his help. But I want it distinctly understood, that I am a law-abiding American citizen, and if George Felts had been given a fair trial, that is, if the proceedings had been communicated to him, as the trial progressed, and the evidence about the condition of his neck, when he entered the jail, had been given to the jury, and they had found him guilty, I would have taken my medicine, and pursued an entirely different course from what I have, under the present circumstances. I believe in giving everybody a fair chance, when he is on trial for his life, and I claim that if

the prisoner does not know what the witnesses say against him, as the trial progresses, that he cannot make an intelligent defense, and I believe that every fair minded American citizen, will agree with me, in what I say, in regard to this matter. I would lift my voice against such injustice, if it were practiced upon the worst enemy I have in all this broad land. It is not simply a matter of relationship, but it is a matter of justice, and injustice. A matter of right and wrong. A matter of "Equal rights, and equal protection "for every man, woman, and child under the flag. The State's attorney then says by way of apology, "In conclusion, I wish to say, that I have prepared the statement hurriedly, and largely from memory." It was not at all necessary for him to go to the trouble of telling us that he had prepared his paper in a hurry, for anyone with half an eye can see, that he has thrown things together in any sort of a way, without much reference to the facts in the case. But what kind of a way is that for a man to do, when he is officially looking after the interests of the people? Has he the right to weave such a mess of fabrication into an official document, and present it to the Board of Pardons as the God's truth, and then try to smooth it all over right at the last, by telling them he fixed the whole thing up in a hurry? This is an important matter, then, why didn't he take plenty of time? Why should he prepare such a mess in a hurry? He says he got it up largely from memory. I think he is mistaken in the faculty that he used. I have always heard it called the imagination.

Then he says, referring to Felts, "Perhaps he did not intend to kill Spencer Post. I could readily assent to that proposition, but he certainly did intend to strike him." Why strike a friend? Would there not be great danger to a broken down old man like Felts, in making such an attack on a great strong man like Post? Would Felts make such an attack, if he was in his right mind? Why did not Post immediately resent the attack, if it was brought on him unprovoked, while he was leaning up against the saloon building? Why did he not hurl bitter epithets

at Felts, after the crowd gathered? These are a few of the many questions, that it would be well for the State's attorney to consider, in connection with this case. Felts says that someone had him by the neck in the dark, and that he did not know who he was, and he thought the man was going to do him great bodily harm, and he tried to prick his leg with his knife, to make him let go of his neck, but that he never thought of killing the man, and that if he had known he was Spencer Post, he would not have used his knife at all, as they were the best of friends. When you consider that Felts is deaf, and that he is old, and his eyes are defective, and the night was dark, there being no moon that night, and no lights under the awning where it happened, nor in the streets anywhere near there, and that his neck was marked and bruised and swollen, when he entered the jail, does not his story seem to be reasonable, and conclusive? Under the circumstances, do you wonder that nine of the jurors who tried Felts, after seeing the new evidence, have asked the Board of Pardons, and the Governor, to release this deaf old soldier from the prison? And several of them, have written the Governor that if the evidence that has been submitted to the Board of Pardons in this case, had been submitted to them in the trial court, they would have considered that Felts acted in self defense, and would have voted for acquittal. Would the State's attorney keep this deaf old soldier in the prison, after quite a few of the jurors have said over their own signatures, that they never would have sent him, if they had known all the facts in the case? I have been compelled, owing to the brief space that I could give to this review, in this small book, to pass by many things that otherwise, I would have been glad to notice. I think however that I have said enough to convince my readers that George Felts is suffering a most bitter and cruel persecution, at the hands of this relentless State's attorney. Do the people of Winnebago County want its deaf and helpless citizens, not to say anything about the old soldier, who lost his hearing in the service of his country, taken through their trials and sentenced to life imprisonment, as

George Felts was? Do the people of Durand want to back the State's attorney, in the record that he is making in this case? I am sure that a great many people in that vicinity, when they read this book, will not blame us for making the hard fight for justice that we are making. And if it was your brother, and he had been taken through his trial without knowing what the witnesses said against him, and if important evidence, that would have established his innocence, had been left out and because of his infirmity of deafness he did not know anything about it until after the trial was over, would you not feel as I do, that a great injustice had been done? And would you not put forth ceaseless and earnest efforts to remedy, at least in a measure the wrongs that had been done? Remember we are asking for justice, under the law and the constitution of the State, and of the United States, and that we need your help and sympathy. The people are moving in this matter all over this great state, and demanding that justice shall be meted out to this deaf old soldier.

W. A. WISEMAN.
Who has Felts' Power of Attorney.

In order that the people who read this book may know who we are, the writer of this note desires modestly to say, that he passed regularly through the Des Moines Conference of the Methodist Episcopal Church. That he served several churches in that conference, in the capacity of a pastor, among them Grace Methodist Episcopal Church, Des Moines, Iowa. For the last fifteen years he has been before the people in a public capacity, both as lecturer and evangelist, and has lectured and preached in thirty-five states and territories of the United States, and has spoken during that time, in nearly all the large cities of the country. He submits below, a few, of the many notices from the press and the pulpit, that he has in his posession, in regard to his work.

Rev. W. A. Wiseman gave a powerful and eloquent address, at Raper Methodist Episcopal Church last night, to a crowded house, on the Universal Conquest of the World by the Christian Religion.—*Dayton Herald, Ohio.*

Rev. W. A. Wiseman proved himself to be an eloquent speaker, and fully abreast of the thought of the day.—*Iowa State Register, Des Moines.*

Rev. W. A. Wiseman is attracting a large audience to the meetings. He is an eloquent speaker, and an evangelist of rare gifts and ability, and is eminently successful in this department of church work.—*St. Peter Tribune, St. Peter, Minn.*

Rev. W. A. Wiseman, the eloquent preacher from Des Moines, Iowa, occupied the pulpit at Snyder Memorial Methodist Church yesterday morning and evening, and was greeted by large audiences.—*The Metropolis, Jacksonville, Florida.*

"Rev. W. A. Wiseman of Des Moines, Iowa, preached two excellent sermons at the Methodist Episcopal Church yesterday. He is a very enthusiastic and entertaining speaker."—*Rays of Light, North Manchester, Ind.*

"Rev. W. A. Wiseman, occupied the pulpit at the Methodist Episcopal Church at eleven a. m. and seven-thirty p. m. Sunday. Dr. Wiseman is a very able preacher, and made a fine im-

pression on his hearers, who will welcome his return at any time."—*Constitution, Keokuk, Iowa.*

"Rev. W. A. Wiseman one of the most successful workers in the state, is aiding Rev. Vedder in the revival meeting at the first Methodist Episcopal Church. Mr. Wiseman is a very able speaker, and those who heard his sermon last night, will long remember it for its power and real helpfulness to christian life."—*Daily News, Boone, Iowa.*

"Dr. Wiseman is a practical, successful man, worthy of full confidence."—Rev. C. H. Fowler, D.D., L.L.D. Bishop of the Methodist Episcopal Church.

"I remember very well our friendship, and am glad to know of the good work you are doing."—*Hon. W. P. Hepburn, Member of Congress, U. S. A.*

"I have known Rev. W. A. Wiseman of Des Moines, Iowa. for twenty years. He is a gentleman of the highest integrity, with a personal character above reproach. I have heard him frequently in public addresses. He is always interesting, entertaining, and eloquent."—*Hon. B. F. Clayton, Former president of Farmers' National Congress.*

"Rev. W. A. Wiseman is a good preacher, and a successful evangelist."—*Rev. E. L. Parks, D.D., Prof. Gammon School of Theology, Atlanta, Georgia.*

"I have heard Rev. W. A. Wiseman lecture and preach many times. He always instructs, entertains, and helps his hearers. His lecture on Heaven is especially meritorious."—*Rev. W. G. Hohanshelt, D.D., Presiding Elder Methodist Episcopal Church, Indianola, Iowa.*

"Rev. W. A. Wiseman is especially gifted. He excels as a gospel preacher. He overcomes the will through the conscience, and his words of truth seem irresistible."—*Rev. J. F. Beebe, Oneida, New York.*

"Rev. W. A. Wiseman is a strong gospel preacher, and a successful evangelist."—*Rev. J. H. Senseny D.D. Des Moines Conference, Iowa.*

"Rev. W. A. Wiseman is one of the most zealous, discreet, and successful workers that I have ever known."—*Rev. W. S. Hooker, D.D., Indianola, Iowa.*

"Rev. W. A. Wiseman is a good reasoner, and a fluent speaker."—*Rev. H. J. Norris, formerly Pastor Broadway Methodist Chuch, Logansport, Ind.*

"Rev. W. A. Wiseman spent three weeks with us in special services. I have no hesitation in recommending him. He is perfectly safe, and is energetic and untiring in his work. I have the utmost confidence in him.—*Rev. Wm. J. Harkness, Ph. D., Pastor Trinity Methodist Episcopal Church, Jacksonville, Florida.*

"Rev. W. A. Wiseman has had a wide experience as pastor and evangelist, and has been very successful. He speaks with clearness and force, and with a power that produces conviction of truth."—*Rev. J. F. Eaker, Pastor First Baptist Church, Hudson, Iowa.*

"Rev. W. A. Wiseman, as a speaker, is chaste, logical, and eloquent."—*Rev. G. B. Work, D.D, Wabash, Ind.*

"Rev. W. A. Wiseman is a forceful and entertaining speaker."—*Rev. W. A. Cooper, Pastor First Methodist Episcopal Church, Denison, Texas.*

Executive Office, Des Moines, Iowa, April 28, 1905.

To Whom it May Concern:

It gives me pleasure to say that Mrs. Matilda Fletcher Wiseman, a resident of this city, is a woman of high attainments, who bears an enviable reputation in this community.

I cordially recommend her to your favorable consideration.

Yours very truly,

Albert B. Cummins.

(Governor of Iowa.)

Drake University College of Law Des Moines, Iowa, May 1st 1905.

To Whom it May Concern:

I have been for many years well acquainted with Matilda Fletcher Wiseman. I know her to be a woman of marked ability and of excellent character. She has for many years been engaged in delivering lectures upon different subjects, and always with great acceptability to her audiences. I can and do hereby commend her most cordially to the public as worthy and well deserving of patronage, and recognition.

Very respectfully,

C. C. Cole.

(Dean of the Drake University College of Law.)

United States Senate, Washington, D. C., May 1st 1905.

To Whom it May Concern:

I take pleasure in commending Matilda Fletcher to those who may be interested, as an effective public speaker. She is enthusiastic in her work and possesses excellent ability to entertain instruct and amuse an audience. She is a lady of the highest standing and one who has been long engaged in most valuable work. It gives me pleasure to commend her.

Very respectfully,

(United States Senator from Iowa.) W. B. Allison.

United States Senate, Washington, D. C., May 7th 1905.
To Whom it May Concern:

I have known Matilda Fletcher for many years, and know her to be a woman of ability and integrity of character, and it will always give me pleasure to learn of her success in anything she may attempt.

J. P. Dolliver.

(United States Senator from Iowa.)

POPULAR LECTURES BY MATILDA FLETCHER.

Subjects:

I. The Heart of a Man.
II. The Happy Couple.
III. Is Man an Angel?
IV. The Rogue's Gallery. (New)

All the audiences that have heard her have been greatly pleased.—*New York Tribune.*

The speaker has great elocutionary power. The audience took to her at once, listened attentively, interrupting her every now and then with laughter and applause. It is only fair to say that Matilda Fletcher is one of the most attractive and eloquent speakers in this country.—*New York Times.*

One of the finest and largest audiences ever known here assembled at the City Hall last evening for the purpose of listening to Matilda Fletcher, the famous lady orator. The papers have been very eloquent in her praise wherever she has appeared, but we must confess that we were surprised at the depth of thought displayed.—*Rochester, N. Y., Democrat and Chronicle.*

Her lecture was frequently applauded, and was well calculated to incite healthful thought. It was, moreover, richly spiced with humor and incident.—*Utica, Observer.*

Those of our citizens who failed to hear this lady last evening missed a rare treat indeed. Pure and lofty in char-

acter, her sentiments were evidently the expressions of a noble woman.—*Journal, Lockport, N. Y.*

Cheer after cheer demonstrated the satisfaction of the large audience.—*Cincinnati, O., Commercial Gazette.*

Her fine appearance and modest manner, as well as her thrilling and matchless eloquence rivet the attention and fairly carry the hearts of her hearers by storm.—*Cleveland, O., Leader.*

She has demonstrated a woman's power to earn golden opinions on the platform as a lecturer.—*Chicago Inter Ocean.*

She has few equals and no superiors.—*Chicago Tribune.*

Her enthusiasm for her work is unbounded, and she has such a happy way of showing us our faults, that we go away admiring her the more. No dramatist could thrill his audience more than she did at times.—*Mattoon, Ill., Gazette.*

The lecture was received with enthusiastic applause. Many portions of it were characterized with choice flights of eloquence.—*Chronicle, Washington, D. C.*

Matilda Fletcher has already established a national reputation. Her address is earnest and pleasing, her voice is peculiarly clear and distinct, but rich and full in tone, and she reasons a case like a lawyer who disdains to stoop to claptrap or sensationalism.—*Lincoln, Neb., State Journal.*

Matilda Fletcher is one of the pleasantest speakers we have ever listened to, language faultless while her subjects are always well chosen.—*Tribune, Fremont, Neb.*

Her address was interspersed with woman's true wit—the best and wittiest wit in the world.—*Omaha, Neb., Republican.*

She is possessed of all the qualities that go to make an effective speaker, eloquence, wit, logic, originality, and wherever she goes she is bound to meet with success.—*Bee, Omaha, Neb.*

Matilda Fletcher's lectures are full of thought and strong in good sense, while from beginning to end they glitter with a continuous sparkle of beautiful ideas and exquisite senti-

ments. She is a person of correct speech and great soul.—*Iowa State Register, Des Moines.*

Her lecture bristled with sharp points, eliciting repeated and enthusiastic applause, and was pervaded with a mirth-provoking spirit of wit and pleasantry, which, kept her audience in best of humor from beginning to end.—*Burlington, Iowa, Hawkeye.*

She was interrupted often by tumultuous applause, inspired by happy hits and telling truths.—*Journal, Muscatine, Iowa.*

The address was sparkling with wit, studded with great truths, and altogether entertaining.—*Sioux City, Iowa, Journal.*

Pathetic at times to a degree that moistened many eyes, witty with a humor that sent merry laughter rippling around the crowded hall, and then argumentative with a logic that was irresistible, it was an address that at once delighted and pleased.—*Marshalltown, Ia., Times.*

For an hour and a half she held her audience in the closest attention. Her manner is one of ease and culture and is aided by the rare and valuable gift of a voice marvelously flexible and musical.—*Courier, Ottumwa, Ia.*

Her lectures are brilliant enough to fill the grandest opera house of the Union, and chaste enough to be heard from the most sacred altar.—*Central Illinoisan, Beardstown, Ill.*

Matilda Fletcher is witty—Quaintly so at times—fearlessly independent and logical, and combines withal a winsome and simple style of prompt, sparkling oratory, which, irresistibly carries her audience with her.—*La Salle Press, Ill.*

The lecture was full of thought and strong in good sense yet spiced with happy hits of humor and genuine wit. She speaks without notes, presenting her ideas in a forcible manner, throwing her true womanly soul into the work. She has a sweet ,musical voice, a mind of high culture, together with all the genuine elements of oratory.—*Danville Commercial.*

Nothing less than the words of the speaker could do justice to her able and eloquent address.—*Madison, Wisconsin, Journal.*

Matilda Fletcher is a woman of clear, logical power, of exhuberant fancy of beautiful diction, of unbounded resources in theology, philosophy and literature, of pleasing person and address, and altogether a charming and powerful lecturer.—*Wisconsin Prohibitionist.*

Monday evening Matilda Fletcher furnished the last literary entertainment of the Young People's Lecture Course for this season. Her discourse, besides being logical and replete with originality, was clothed in beautiful rhetoric and unsurpassable eloquence. She held very closely the attention of the audience which followed her in her different views and were greatly amused at the sparkling witticisms she uttered. Every one was highly pleased with her lecture and felt satisfied that the course should end so favorably and so successfully.—*Herald, Sparta, Wis.*

Matilda Fletcher's lecture was very ingenious and amusing. It was conceded by all that in all the finer and subtler graces of eloquence, and in the plain, practical good sense which tempered the fervor of her enthusiasm, in intellectual fertility, in genuine humor and in modest and graceful womanliness of manner and temper and speech, she far excels any of the famous lady orators who have heretofore visited St. Paul.—*Pioneer Press, St. Paul, Minn.*

The principal charm of this lady's lecture is that she uses no ranting style of argument but speaks with spice and rich humor. Her wit is genuine and of high character.—*Tribune, Minneapolis.*

Matilda Fletcher's lecture was rendered in the most fluent, chaste and beautiful language, interspersed with wit and flowers of oratory, that we have never heard equalled, except by Mr. Prentiss, the great Mississippi orator, but in a different line, and those who failed to hear her, lost a most intellectual and entertaining treat that the eloquence of the gifted lady

afforded. As a lecturer she is certainly unsurpassed to make people wiser and better, and having sprung from a North Carolina family the state will be proud of her daughter. She will find appreciation everywhere by the generous people of the South.—*American, Statesville, N. C.*

At the night session the Hall of Representatives was filled to overflowing with members of the general assembly, ladies and citizen who repaired thither to hear an address or lecture delivered by Matilda Fletcher. The subject of the lecture was the importance of an industrial and moral education, and her mission to the South is to endeavor to induce the state governments to incorporate such a department of technical education into the common school system of the states. The lady was introduced to the audience by Speaker Sheppard, who resigned his desk for the occasion. It is difficult to give by telegraph any fair idea of the address, but it may be said that the manifest modesty and thorough earnestness of the fair lecturer soon commanded a degree of attention and respect for her and her subject which was not altogether expected at the outset. She was warmly applauded, and at the close of her remarks it was generally conceded on all sides that her views were marked by sound common sense.—*News and Courier, Charleston, S. C.*

It would be impossible for us to convey a just impression of the lady's sound, practical sense, wonderful elocutionary powers, beautiful enunciation, sublime rhetoric and eloquent sentiments. It was a fine oratorical effort, as well as one of the most sensible speeches ever delivered in the House of Representatives.—*Daily Register, Columbia, S. C.*

The Congressional Temperance Society furnished the citizens of Washington with a rare treat Sunday evening in Matilda Fletcher's thrilling beautiful temperance story-poem entitled "Nemesis." The audience received it with enthusiastic praise. Eminent members of the Society surprised the eloquent speaker the next morning with an envelope containing one hundred dollars.—*Chronicle, Washington, D. C.*

The beauty of this story is beyond any power to describe; every word fits in its place as though it had been modeled by a masterly hand for the duty to which she assigns it. But you must listen to one of her poetical discourses before you can well understand the power of this gifted woman.—*New York Temperance Patriot, Washington Correspondent.*

Matilda Fletcher delivered her celebrated temperance story in this city. The story is a pretty one and well told. The people were enthusiastic in their praise both of the lecturer and the poem.—*Lockport, N. Y., Daily News.*

The beautiful temperance poem last evening showed Matilda Fletcher to be not only a person of sweet speech, but of great soul.—*Iowa State Register, Des Moines, Ia.*

The story is so wrought as to carry her listeners in breathless attention to the end and some of the most beautiful gems of thought and expression are in the by-ways of the plot. Thus has this lady developed a truth of science with a power for popular good which no scientist has achieved, and clothed the subject with an affluence of beauties rare and attractive. Though a powerful temperance sermon, it has a broader significance as a contribution to literature, and its poetic features appeal to the cultured of every class.—*Tribune, Iowa City.*

Matilda Fletcher delivered the address for the State Fair in the Floral Hall, and for nearly two hours delighted her audience.—*Lincoln, Neb., State Journal.*

Matilda Fletcher's lecture to the farmers' wives and daughters was one of the best it has ever been our privilege to attend.—*Kansas Farmer.*

So many of our readers have seen and heard Matilda Fletcher that a personal notice would be superfluous. Possessing a fine physique and a particularly sweet voice she could not fail to secure the attention of her audience. It would be impossible to give even a just synopsis of her lecture. We regret that we cannot publish it verbatim, that all the wives and daughters of the city and country could read it. The fair orator was

frequently applauded during her lecture and at the close was warmly congratulated.—*Evansville, Ind., Journal.*

Matilda Fletcher's address upon Farmers' Wives and Daughters was a masterly production of oratorical genius.—*Advertiser, Tipton, Iowa.*

Matilda Fletcher's address seemed to be the great object of visitors to our fair, and the result satisfied all who were able to hear her. She leaves the lecture field for a few days to be able to reach a large number of those who furnish her theme.—*Bulletin, Freeport, Ill.*

From Rev. M. D. Kinney, President Thousand Island Park Association, St. Lawrence River.

Matilda Fletcher lectured in the Thousand Island Park Tabernacle last evening and greatly delighted our people. She is a first class lecturer in all respects—bright, fluent, humorous, strong and sensible. There is no risk in advertising her in the very highest terms.

From Rev. George Wesley Peck, A. M., L. L. D., Principal Silver Lake School of Biblical Topography.

Having had the pleasure of hearing Matilda Fletcher's lecture, I have no hesitancy in saying it is a splendid presentation of a most popular subject. The close attention of the audience was held to the end of the lecture. The speaker is entirely at home upon the platform, and her happy manner is above criticism.

From Rev. J. W. Thompson, Pastor Presbyterian Church, Shelby, Ohio.

I have had the pleasure of hearing Matilda Fletcher lecture, and have no hesitancy in commending her as entertaining and first class in every particular.

From Rev. I. O. Peaslee, Pastor, M. E. Church, Adams, N. Y.

Matilda Fletcher gave her celebrated lecture here last evening to a highly interested audience. All were delighted and profited.

FromRev. E. B. Kephart, D. D., Bishop of United Brethren Church.

Her principles once practiced among men, earth will bloom like the garden of God, and there will be but "one fold, one shepherd."

From Prof. H. M. Parker, Superintendent Public Schools, Elyria, Ohio.

Matilda Fletcher was greeted by an appreciative audience upon her third visit to Elyria. She combined the serious and humorous phases of life so skillfully as to hold the undivided attention of her audience.

From Rev. Elvero Persons, Pastor, M. E. Church, Norwalk, Ohio.

Matilda Fletcher has given us an evening of delightful entertainment and filled it with the most helpful instruction. She has a happy manner, most popular theme, is sufficiently entertaining for the pleasure-loving, and quite reverent enough for the sedate. This is her third visit to Norwalk.

From Rev. S. O. Barnes, Pastor M. E. Church, Clayton, N. Y.

Matilda Fletcher lectured here last night. Her lecture was of a high order and delivered in an effective manner.

From Rev. C. Parks Evans, Pastor Reformed Church, Alexandria Bay, St. Lawrence River.

Matilda Fletcher lectured in the Opera House here last evening. To express briefly my candid opinion it was the finest lecture I ever heard.

From Rev. H. L. Wiles, President English Lutheran Synod and Pastor English Lutheran Church, Mansfield, Ohio.

Matilda Fletcher's lecture was charming, the delivery faultless. She held her audience entranced throughout and notwithstanding the length of the lecture the people went away saying, "we wish she had spoken longer." The lecture is based upon the word of God. It instructs, elevates and ennobles. It must do good wherever delivered. Whenever the

lecturer comes this way she will receive a cordial and enthusiastic welcome from the people of Mansfield. We take pleasure in commending her to our people.

From J. P. Stockton, Pastor Presbyterian Church, West Unity, Ohio.

Matilda Fletcher's lecture in this place last evening enlisted the closest attention from the entire audience from the beginning to the end. For beauty of thought, wit and instruction, she ranks among the best. Her allusions to evolution were happy and humorous and her portrayal of the high ideal our maker places before us all, vivid and sublime.

From Rev. J. F. Martin, Pastor Presbyterian Church, Mansfield, Ill.

Matilda Fletcher delivered her popular lecture, "Is Man an Angel," at the Opera House last night to a large audience. To say that the people were pleased would be putting it very mildly, they were delighted. The general comment was that it was the finest thing we ever heard.

Rev. A. H. Rhodes, Pastor Baptist Church, Chrisman, Ill.

All were greatly pleased and I hear commendations of the lecture on the streets and in the stores this morning. Matilda Fletcher is a decided success, and I take pleasure in recommending her in every way.

Rev. B. F. Lawrence, Pastor First Cumberland Presbyterian Church, Danvers, Ill.

Matilda Fletcher delivered her lecture entitled, 'Is Man an Angel," here last evening. I most unhesitatingly say it was the finest lecture given during my four years' pastorate in this place. She gave perfect satisfaction and I am glad to recommend her to any town.

From Rev. L. P. Norfleet, Pastor M. E. Church South Marshall, Mo.

We did well by having Matilda Fletcher lecture for us.

She captivated our people. I was delighted beyond my highest expectation. Everybody was well pleased.

From Rev. W. C. Sebring, President Hooper Institute, Clarksburg, Missouri.

Matilda Fletcher's lecture was first class in every particular. A most important subject, logically and interestingly treated. It will benefit all who hear it.

From R. D. Swain, President Baptist College, Pierce City, Missouri.

Our people were out in large numbers to hear Matilda Fletcher, and they were well pleased. Her lecture is magnificent, her humor warm and refined, and her voice and manner charming. Her sentiments are ennobling and her arguments are convincing. She exalts the spiritual in man, has her faith rooted in God and his word, and she speaks her convictions in a bold and fearless manner. I recommend her to the lecture committees of our schools and churches.

From Rev. O. H. Smith, President Seminary, Maryville, Missouri.

It gives me pleasure to indorse heartily Matilda Fletcher as a public lecturer. Her effort here last night was listened to by a large audience, and won encomiums from all. Her theme was grand, and all she said was pervaded by a moral, religious and elevating spirit. Her command of language is wonderful and her style of oratory superior. She will please, instruct and benefit all who hear her.

From J. W. Lowber, Pastor Christian Church, Galveston, Texas, and Chancellor Add-Ran University.

To whom it May Concern:

This testifies that Matilda Fletcher lectured in the Central Christian Church last evening on the subject, "Is Man an Angel," and our people were delighted with the lecture. It was scientific, philosophical and practical. It was one of the finest lectures to which I have ever listened. She is a fluent

speaker, and has enough humor to keep up the interest. She spoke for two hours without hesitation, and there was no lack of attention on the part of the audience during the entire time.

From L. E. Mauney, B. S. B. L., Supt. City Schools, Bastrop, Texas.

Matilda Fletcher delivered a charming and instructive lecture in the Opera House last night. She is a scholar and a poet, possessing a valuable fund of information. She handles her unique subject, "Is Man an Angel," in a manner that captivates and instructs. One feels better for having heard her. The audience would gladly have listened another hour. A leading divine said, "that lecture is a power for good." Another said, "I wish my sons had heard that lecture."

From President Butler, Ph. D., and Prof. J. F. Anderson, A. M., of Grayson College, Whitewright, Texas.

Matilda Fletcher delivered her famous lecture before the students and patrons of Grayson College last night, and it is our candid judgment that it was the best lecture ever delivered in the college or in the city. We personally consider her lecture better than any we ever heard, and we have heard some of the best in America.

From Prof. Charles Smith, B. B. Gilmer, Dr. F. O. Norris, W. S. Strickland, Eagle Lake, Texas.

Matilda Fletcher delivered her famous lecture "Is Man an Angel," to a large audience last evening. She captivated the audience with her first appearance on the platform, by her beautiful womanly expression. Her introduction was sparkling with wit and replete with logical thoughts beautifully expressed.

The lecture itself dealing with some of the profoundest problems of life was handled with so much grace and naivette, interspersed with both humorous and patriotic passages cleverly pointing her conclusions that the hearer forgot in the charm

of her eloquent sentences that he was listening to a critical discussion of a metaphysical subject.

Matilda Fletcher is a credit to her sex on the lecture platform, and the man who can listen to her and not feel benefitted is a "chump," fit for strategems, treason and spoils.

From Dr. Evan Mona Jones, Pastor First Baptist Church, St. James, Minn.

Matilda Fletcher's lecture last Saturday evening was a splendid success. Our high expectations were fully met. The lecture is replete with elevating and ennobling sentiments, clothed in choicest language and delivered with charming fluency. Her wit and humor added materially to the entertaining feature of the address. We netted a good sum of money. Every ticket was sold long before she came.

From Prof. N. R. Baker, President College, Citronelle, Alabama.

I consider the lecture, "Is Man an Angel," one of the very best of high grade lectures. It is upon a vital theme, and should be heard by every student. For depth of thought upon the subject, for delicate play of words, and for pleasing manner of presentation, I have never met Matilda Fletcher's superior.

From Prof. J. T. Barrett, President Arcadia College, Crowley, Louisiana.

Matilda Fletcher delivered her celebrated lecture, "Is Man an Angel," in our town last night, and without exception, people are enthused over it. Personally, I consider it one of the very best, both in matter and delivery, I have ever heard.

From Prof. O. P. Kinsey, Principal Northern Indiana Normal School and Business Institute, Valpraiso, Indiana.

Matilda Fletcher lectured to a very large audience here last night. Her lecture pleased our people very much. It was eloquent, witty and wise..

From Prof. J. W. Bissell, President Upper Iowa University,

I heard Matilda Fletcher lecture on, "Is Man an Angel," and regard it as one of the very best lectures to which I have listened; it is calculated to do great good, and should be heard especially by college students.

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